

ORIGINAL

Decision No. 65576

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sol Steiner,
Complainant,

vs

Case No. 7567

The Pacific Telephone and
Telegraph Company, a
corporation,

Defendant.

Maurice Harwick, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Simi Dabah
for the Police Department of the City of
Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 5416 West Adams Boulevard, Los Angeles 16, California. Interim restoration was ordered pending further order (Decision No. 65015.)

Defendant's answer alleges that on or about January 30, 1963, it had reasonable cause to believe that service to Sol Steiner under number WE 6-0056 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles, California, on May 10, 1963.

By letter of January 29, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 60056 to the Wash Line Self Service Laundry was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1.)

Complainant testified that he operates a laundromat business at the above address and the telephone is used solely in said business and is necessary in connection therewith. Complainant further testified that an employee was arrested for bookmaking at said location; that all charges against the employee were dismissed; that complainant was arrested for bookmaking at another location, and pleaded guilty; that he paid a fine of \$250.00 but did not use this telephone in any way in violation of law. Complainant further testified that he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65015 temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 18th day of June, 1963.

George E. Grover
President
Robert J. H. H. H.
Walter H. H. H.
Frederick B. H. H. H.
William W. H. H. H.
Commissioners