

**ORIGINAL**Decision No. 65666

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

A. C. GOODWIN,

Complainant,

vs.

Case No. 7584

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
Corporation,

Defendant.

A. C. Goodwin, in propria persona.Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.Roger Arnebergh, City Attorney, by Nowland Hong,  
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 751 East 41st Place, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65182).

Defendant's answer alleges that on or about February 8, 1963, it had reasonable cause to believe that service to A. C. Goodwin under number AD 3-6945 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 on June 5, 1963.

By letter of February 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD 36943 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 has been engaged as a painter and repairman for 14 years and uses his telephone to gain employment in that work.

Complainant further testified that he was not arrested for any unlawful use of the telephone; that he has great need for telephone service, and 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.

ORDER

IT IS ORDERED that Decision No. 65182, 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 9<sup>th</sup> day of JULY, 1963.

William M. Bennett  
President

John L. ...

George H. ...

Frederick B. Hilshoff  
Commissioners