

ORIGINAL

Decision No. 65738

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KIRBY YOUNG,

Complainant,

vs.

Case No. 7589

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by John M. Maller, 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 711 West 48th Street, Los Angeles 37, California. Interim restoration was ordered pending further order (Decision No. 65217).

Defendant's answer alleges that on or about March 21, 1963, it had reasonable cause to believe that service to Kirby Young under number AD 3-1817 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 19, 1963.

By letter of March 19, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD 31817 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 five minor children, all in school, and that his home has two stories and he requires a telephone with extensions for medical and health reasons. He testified that he has not used the telephone for accepting or placing wagers on horse races. Complainant further testified that he has great need for telephone service, and that 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. 65217, 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 23rd day of July, 1963.

William W. Bernard
President

Robert E. [unclear]

Walter J. [unclear]

George L. [unclear]

Fredrick B. Hallock
Commissioners