

**ORIGINAL**Decision No. 65739

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLIFFORD LANGLAND,

Complainant,

vs.

Case No. 7593

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a cor-  
poration,

Defendant.

Clifford Langland, 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 5810 Fulcher Avenue, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 65218).

Defendant's answer alleges that on or about April 3, 1963, it had reasonable cause to believe that service to Clifford Langland under number 763-9584 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 April 2, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 763-9584 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 a mother who is ill with cancer and requires constant telephone service for medical reasons; that his telephone was removed while he was at work as a cement finisher, and that he has not used the telephone in any violation of law whatsoever.

Complainant further testified that on the date of removal of the telephone, upon his return home, he found that his sister had been arrested and that she later paid a fine, and that he has no knowledge of her illegal use of the telephone, and denied that his sister or any other member of his family used the telephone for any unlawful activity. Complainant also 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, and there was no evidence that complainant's telephone was used for bookmaking purposes.

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. 65218, 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 23<sup>rd</sup> day of JULY, 1963.

William W. Bennett  
President

Robert A. Hill

Everett W. Long

George L. Hoover

Fredrick B. Hallock  
Commissioners