

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Henry A. Green,)
 Complainant,)
 vs.)
 The Pacific Telephone & Telegraph)
 Company, a corporation,)
 Defendant.)

Case No. 7618

Joseph Forno, for complainant.
Lawler, Felix & Hall, by John M. Maller,
 for defendant.
Roger Arnebergh, City Attorney, by Sini Dabah
 and Frank Wagoner, for the Police Department
 of the City of Los Angeles, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 6652 Lankershim Boulevard, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 65412).

Defendant's answer alleges that on or about May 3, 1963, it had reasonable cause to believe that service to Henry A. Green, under number PO 5-6803 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 27, 1963.

By letter of May 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under numbers 765-6803 and 765-6804 were being used to disseminate horse-racing information used in connection with book-making in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1).

Complainant testified that he has physical disabilities which prevent him from getting employment; that he is self-employed in the O. K. Tire Store; that he is entirely dependent upon telephone service to make a living. Complainant also testified that his wife has a heart condition and needs telephone service. Complainant also testified that he was arrested and gave the police every cooperation in searching his premises for violations of law and that they found nothing. He testified that his criminal hearing has been continued twice at request of the police and has not been disposed of as yet.

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. 65412 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 13th day of AUGUST, 1963.

William W. Burnett
President
George S. Grover
Frederic B. Hallock

Commissioners

Commissioner George S. Grover, being necessarily absent, did not participate in the disposition of this proceeding.