

ORIGINAL

Decision No. 66059

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAYMOND L. MENGEL,)	
)	
Complainant,)	
)	
vs.)	Case No. 7637
)	(Filed May 29, 1963)
THE PACIFIC TELEPHONE AND TELEGRAPH)	
COMPANY, a corporation,)	
)	
Defendant.)	

J. T. Forno, by Arthur Lewis, for complainant.
 Lawler, Felix & Hall, by John M. Maller, for
 defendant.
 Roger Arnebergh, City Attorney, by Frank D. Wagner,
 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 4215 St. Clair, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 65537).

Defendant's answer alleges that on or about May 20, 1963, it had reasonable cause to believe that service to Raymond L. Mengel under numbers TR 7-6003 and PO 6-8091 were being or were to be used as instrumentalities 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 August 20, 1963.

By letter of May 17, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers 766-8091 and 877-6003 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that he has not used the said telephones for making bets on horse races and has no personal knowledge that his wife was using the telephone for placing bets. Complainant testified that he was not arrested and that there are no charges pending against his wife as a result of her arrest while he was at work.

Complainant further testified that he has great need for telephone service for medical reasons; 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 telephones were used for any illegal purpose. The Commission concludes that complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65537, 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 24th day of SEPTEMBER, 1963.

William L. Bennett
President
John E. [unclear]
George H. Hoover
Fredrick B. Holbrook
Commissioners