

ORIGINAL

Decision No. 66437

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEE D. GREER, )  
 )  
 Complainant, )  
 )  
 vs )  
 )  
 THE PACIFIC TELEPHONE AND )  
 TELEGRAPH COMPANY, a )  
 corporation, )  
 )  
 Defendant. )

Case No. 7692  
(Filed August 26, 1963)

Lee D. Greer, in propria persona.  
Lawler, Felix & Hall, by John M. Maller,  
 for defendant.  
 Roger Arnebergh, City Attorney, by  
Herbert G. Blitz, 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 1773 East 103rd Place, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65969).

Defendant's answer alleges that on or about August 26, 1963, it had reasonable cause to believe that service to Lee D. Greer, under number 569-9420 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 November 4, 1963.

By letters of August 22 and September 12, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number LO 99420 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that he has no knowledge of any unlawful use of his telephone except that his sister-in-law was arrested for bookmaking in his home while he was away at work and that since said incident, he has refused her access to his home and use of his telephone.

Complainant further testified that a heart condition suffered by his wife requires medical attention and telephone service is necessary to contact a doctor, and also to contact his employer in emergencies; 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. 65969, 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 10<sup>th</sup> day of DECEMBER, 1963.

*William C. Burnett*  
 President

*John E. Bartlett*

*Walter J. Keagy*

*George G. Trover*

*Fredrick B. Hallock*  
 Commissioners