

Decision No. 6643S

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JESSE E. SIMPSON, )  
 Complainant, )  
 vs. )  
 THE PACIFIC TELEPHONE AND )  
 TELEGRAPH COMPANY, a )  
 corporation, )  
 Defendant. )

Case No. 7698

Jesse E. Simpson, 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,  
 intervencor.

O P I N I O N

Complainant seeks restoration of telephone service at 420 E. 66th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65970).

Defendant's answer alleges that on or about August 13, 1963, it had reasonable cause to believe that service to Mrs. Ethel Simpson under number 752-5229 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 letter of August 12, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PL 25229 was 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 was at work and away from home when the police removed his telephone; that he has no knowledge of any illegal use of the telephone; that he was not arrested or charged with any violation of law.

Complainant further testified that his wife has an asthmatic condition requiring a telephone to contact a doctor; 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 service.

O R D E R

IT IS ORDERED that Decision No. 65970, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it be 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 10th day of December, 1963.

William M. Brunell  
President  
Robert E. Smith  
Wesley W. Long  
George A. Traver  
Fredrick B. Hollopp  
Commissioners