

ORIGINAL

Decision No. 68524

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

POSEY WILLIAMS,

Complainant,

vs

PACIFIC TELEPHONE COMPANY,

Defendant.

Case No. 7676

Posey Williams, in propria persona.  
Lawler, Felix & Hall, by John M. Maller,  
for defendant.  
Roger Arnebergh, City Attorney, by Herbert 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 1501 East 23rd Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65821).

Defendant's answer alleges that on or about June 17, 1963, it had reasonable cause to believe that service to Posey Williams under number 748-9029 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 22, 1963.

By letters of June 11 and 14, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RI 89029 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 is owner and operator of a cleaning and pressing shop in connection with which he has need of telephone service.

Complainant further testified that there is a sign outside the shop which says "public telephone", the telephone is used by his customers, a customer was arrested in his shop while he was operating the steam press in the back, but he did not have any knowledge that his telephone was used for any unlawful purpose.

Complainant further testified that he was not arrested and that there are no pending charges against him; 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. 65821, 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 27<sup>th</sup> day of DECEMBER, 1965.

*William B. ...*  
 President

*George T. Grover*

*Fredrick B. Halaloff*

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.