

ORIGINAL

Decision No. 66526

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THOMAS B. CLARK,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7690

James Anderson, Jr., for complainant.

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 4576 West Adams Blvd., Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65922).

Defendant's answer alleges that on or about July 24, 1963, it had reasonable cause to believe that service to Tommy Clark under number 734-9232 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 18, 1963.

By letter of July 23, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 49232 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 is owner and operator of a barber shop at said location and that a large part of the business is conducted by appointment; that he has a semi-public pay phone and two extensions at the barber chairs, and that he works at the last chair from the front. Complainant further testified that he has never been arrested and has no charges pending against him, and that his phones have not been used for any unlawful purpose.

Complainant further testified that: telephone service is essential in contacting customers, 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. 65922, 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 _____, California, this _____ day of _____, 1963.

William Lee Beards
President

Wendell C. [unclear]

George E. Grover

Fredrick B. Helakoff

Commissioners