

ORIGINAL

Decision No. 66244

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALBERT GREENE, aka Al GRUENBERG, )  
Complainant, )

vs )

Case No. 7741

THE PACIFIC TELEPHONE AND )  
TELEGRAPH COMPANY, a corporation, )  
Defendant. )

Dunne & DeLoach, by John Dunne, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
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 863 North Virgil Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66173).

Defendant's answer alleges that on or about September 19, 1963, it had reasonable cause to believe that service to Albert Green under numbers 664-2971, 664-2972, 665-2291, NO 5-5715, NO 5-5716, NO 3-7428, 665-1215, 665-1216, NO 5-5821, NO 5-5822, 663-1134, 663-1135, 663-2181, 663-2182, 665-4165 and 665-4166 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 December 13, 1963.

By letters of September 18, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers NO 4-2971, NO 4-2972, NO 52291, NO 55715, NO 55716, NO 37428, NO 51215, NO 51216, NO 55821, NO 55822, NO 31134, NO 31135, NO 32181, NO 32182, NO 54165 and NO 54166 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 been engaged in the business of distributing sporting information at said address since 1958, and has had a city license every year to engage in said business; complainant also operates the A. G. Publishing and Distributing Company; that he could not operate said business without the use of a number of telephones. Complainant testified that on October 2, 1963, he was arrested and released and that no charges were filed or are now pending against him. Complainant further testified that he did not engage in bookmaking; that he did not assist anyone in so doing. Complainant testified that he publishes race results, baseball results and football results; that he has 14 to 20 customers. Complainant testified that he has great need for telephone service, and he did not and will not use the telephones 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. Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66173, 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 4th day of February, 1964.

William W. Brown  
President  
George H. Grover  
Fredrick B. Helshoff

Commissioners

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