

ORIGINAL

Decision No. 65813

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHESTER GEE,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corpora-  
tion,

Defendant.

Case No. 7602

Flier, Ross and London, by Robert H. London,  
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, intervenor.

INTERIM ORDER DENYING MOTION TO  
VACATE INTERIM DECISION NO. 65314

At the close of the hearing on January 17, 1964, counsel for complainant moved for a continuance of the above-entitled matter to a date to be set after February 24, 1964, the date of the complainant's trial for violation of Section 337a of the Penal Code, and counsel for the City of Los Angeles objected to continuance of the matter unless the order authorizing interim service heretofore made in Decision No. 65314 is vacated, and as grounds for the motion alleged that complainant had misrepresented the facts in his

complaint to the Commission for restoration of telephone service, and requested a ruling of the Commission thereon.

Complainant testified as to his need for telephone service and refused to answer questions regarding bookmaking on constitutional grounds of self incrimination. The City of Los Angeles called a police officer who testified that he entered complainant's premises with a search warrant and found betting markers and bookmaking paraphernalia and that subsequently the complainant admitted to him that he had been taking bets on horse races. The matter was continued to a date to be set.

Interim orders for restoration of telephone service are granted pending the determination by the Commission whether the complainant's telephone has been used for an unlawful purpose. Inasmuch as the hearing in this matter has been continued and further evidence may be received, the interim order will remain in effect.

The Commission having considered the motion of the City of Los Angeles to vacate Decision No. 65314 for interim telephone service, and being of the opinion that good cause for same has not been made to appear,

IT IS ORDERED that said Motion to Vacate Decision No. 65314 is denied.

Dated at San Francisco, California, this 18th day of FEBRUARY, 1964.

*I dissent.  
The motion  
of the City  
Attorney  
should be  
granted.  
Beverly S. [Signature]*

*William L. Bennett*  
\_\_\_\_\_  
President

*George L. Grover*  
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*Fredrick B. Holoboff*  
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Commissioners