

ORIGINAL

Decision No. 66851

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEVY, LEVY & GOLDBERG,

Complainant,

vs.

THE PACIFIC TELEPHONE &
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7722

Harrison M. Dunham, for complainant.
Lawler, Felix & Hall, by John M. Maller,
for defendant.
Roger Arnebergh, City Attorney by
Herbert Blitz, for the Police Depart-
ment of the City of Los Angeles,
intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 5903 Franklin Avenue, Los Angeles 28, California. Interim restoration was ordered pending further order (Decision No. 66048).

Defendant's answer alleges that on or about August 29, 1963, it had reasonable cause to believe that service to Levy, Levy & Goldberg, under number 464-9015 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 January 24, 1964.

By letter of August 27, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number HO 49015 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).

Anchel Goldberg testified for complainant that he is one of the owners and operators of Victor's Complete Food Market at which most of their business is conducted on the telephone in the grocery and market.

Anchel Goldberg further testified that an employee of the store for two months was arrested at the time the phones were disconnected but that neither the witness nor any of his partners had any knowledge of any illegal use of the telephone or any bookmaking at their store, and that this employee is no longer employed by the partners.

Anchel Goldberg testified that telephone service is essential to their grocery business and that they have great need for telephone service, and they 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. 66048, 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 25th day of February, 1964.

William L. Bennett
President

[Signature]

[Signature]

George E. Hoover

Fredrick B. Holshoff
Commissioners