

ORIGINAL

66896

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LIEU HOSEA,

Complainant,

vs.

Case No. 7781

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Frank A. Evans, Jr., for complainant.  
Lawler, Felix & Hall, by John M. Maller,  
for defendant.

Roger Arnebergh, City Attorney, by Frank  
Wagner, 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 2104 West Jefferson Boulevard, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66396).

Defendant's answer alleges that on or about October 11, 1963, it had reasonable cause to believe that service to Lieu M. Hosea under number 731-9591 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 February 5, 1964.

By letter of October 9, 1963, the Acting Chief of Police of the City of Los Angeles advised defendant that the telephone under number 731-9591 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 operator of a shoe shine parlor and has two men working at the premises and has numerous customers for pick-up and delivery work, and also has walk-in customers.

Complainant further testified that he depends upon the income from this business for his support and the support of his wife, and minor child. Complainant further testified that telephone service is necessary for his business and that he has no knowledge of the use of said telephone for bookmaking or any other illegal activity.

Complainant further testified 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.

