

ORIGINAL

Decision No. 67014

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RALPH M. JOHNSON,  
 Complainant,  
 vs.  
 PACIFIC TELEPHONE AND TELEGRAPH  
 COMPANY, a corporation,  
 Defendant.

Case No. 7792

Joseph L. Ventress, 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 836 N. Sanborn Avenue, Los Angeles, California. Interim restoration was ordered December 17, 1963, pending further order (Decision No. 66469).

Defendant's answer alleges that on or about November 15, 1963, it had reasonable cause to believe that service to Ralph Johnson under number 664-8477 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 19, 1964.

By letter of November 14, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number NO 4-8477 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 a retail automobile salesman in Southgate and has great need for telephone service at his home to sell cars and to contact the sales agency.

Complainant was cross-examined by a deputy city attorney and admitted that he had been arrested for bookmaking and had told Officer Haworth that he had placed bets over his telephone and that he had over 30 copies of the National Daily Reporter and 9 copies of the Daily Racing Form at his residence at that time.

A police officer testified that he heard complainant talking on his telephone before he entered the premises; that complainant was then placing bets on the telephone, and he admitted to making wagers averaging \$30 per day. The officer also testified that he found copies of the National Daily Reporter, the Daily Racing Form, and betting markers which were correlated with races being run that day.

We find that defendant's action was based upon reasonable cause and that the complainant's telephone was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing, and should be disconnected.

O R D E R

IT IS ORDERED that complainant's request for installation of telephone service is denied and that the temporary interim relief granted by Decision No. 66469, dated December 17, 1963, is vacated and set aside.

IT IS FURTHER ORDERED that, upon the expiration of sixty days after the effective date hereof, complainant may file an application with the utility for telephone service and that, if such application is filed, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 836 N. Sanborn Avenue, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 31<sup>st</sup> day of MARCH, 1964.

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 President

*George T. Hoover*  
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*Frederick B. Hallock*  
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 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.