

HT/AE

Decision No. 67053

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALBERT JONES,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
Corporation,

Defendant.

Case No. 7810

Albert Jones, in propria persona.
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 3083 West Pico, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66596, dated January 14, 1964).

Defendant's answer alleges that on or about November 22, 1963, it had reasonable cause to believe that service to Albert Jones under number 734-5171 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 28, 1964.

By letter of November 20, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 4-5171 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 has urgent need for telephone service in his barber shop to make appointments with customers and for his own use; that he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared for the City of Los Angeles and cross-examined the complainant.

A police officer testified that on November 19, 1963, he entered the rear of complainant's shop and found him with a National Daily Reporter and betting markers in his handwriting; complainant admitted to him that he had been bookmaking for about two months; while the officer was there the telephone rang; and he answered the telephone and the party said "This is Joe, No.55, give me the results, you don't sound like Al."

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.

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. 66596, dated January 14, 1964, is vacated and set aside.

IT IS FURTHER ORDERED that, upon the expiration of thirty 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 barber shop at 3083 West Pico Street, 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 7th day of April, 1964.

William W. Bennett
President

Edward J. [unclear]
Edward [unclear]

George E. Trover

Fredrick B. Haliluff
Commissioners