

ORIGINAL

Decision No. 67146

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SPURGEON TAYLOR,

Complainant,

vs

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7833

Spurgeon Taylor, in propria persona.
Lewler, Felix & Hall, by John M. Maller,
for defendant.
Roger Arnebergh, City Attorney, by James H. Kline,
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 8927 Menlo Avenue, Los Angeles 44, California. Interim restoration was ordered pending further order (Decision No. 66769, dated February 11, 1964).

Defendant's answer alleges that on or about November 18, 1963, it had reasonable cause to believe that service to Spurgeon Taylor under number 759-1046 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 March 17, 1964.

By letter of November 8, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PL 9-1046 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 been unemployed and has great need for telephone service to obtain work; his wife and grandchildren reside with him; his wife is sick and needs telephone service for medical reasons; he has not been convicted of any violation of law and did not use the telephone for bookmaking; 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.

O R D E R

IT IS ORDERED that Decision No. 66769, dated February 11, 1964, 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 28th day of April, 1964.

William L. Brown
President

W. E. Kitchin
W. E. Kitchin

George J. Hoover

Frederick B. Hallock
Commissioners