

ORIGINAL

Decision No. 67384

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RONALD F. MAX,

Complainant,

Case No. 7859

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Ronald F. Max, in propria persona.  
Lawler, Felix & Hall, by John M. Maller, for defendant.  
Roger Arnebergh, City Attorney, by James Henry Kline, for the Los Angeles Police Department, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 1961½ South Holt Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 669¼/4 dated March 17, 1964).

Defendant's answer alleges that on or about September 12, 1963, it had reasonable cause to believe that service to Anthony B. Rowland at 1961-1/2 South Holt Avenue, Los Angeles, California, under number 270-2657 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, California, on May 6, 1964.

By letters of September 11, 1963, and October 23, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 870-2657 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that he rented the herein above-mentioned premises in October after the removal of said telephone and has no knowledge of the previous tenants; 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 service.

O R D E R

IT IS ORDERED that Decision No. 66944 dated March 17, 1964, restoring service to complainant, is amended to show that

it is for the installation of new service and, as such, that it be 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 16<sup>th</sup> day of JUNE, 1964.

*Ernest W. Sage* President

*George L. Hoover*

*Fredrick B. Hallock*

**Commissioners**

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

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.