

Decision No. 67121

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TOMMIE HATTER,

Complainant,

vs.

Case No. 7874

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Arthur Lewis, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by James Henry  
Kline, for the Los Angeles City Police  
Department, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 4809½ West Adams Boulevard, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67105, dated April 21, 1964).

Defendant's answer alleges that on or about April 9, 1964, it had reasonable cause to believe that service to Tommie L. Hatter under number 734-6587 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 May 22, 1964.

By letter of April 4, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 4 6587 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 employed in the construction industry and has need for telephone service to keep in touch with his employer and his job location.

Complainant further testified that he has moved his residence to 2517 West Boulevard, Los Angeles, and he has great need for telephone service at that address, 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. 67105, dated April 21, 1964, temporarily 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 23<sup>rd</sup> day of JUNE, 1964.

[Signature] President

[Signature]

George T. Hoover

Fredrick B. Hebeloff Commissioners

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