

ORIGINAL

Decision No. 67759

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IRVING KATZ,

Complainant,

vs.

Case No. 7909

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
Corporation,

Defendant.

Bernard Patrusky, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.
Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Department
of the City of Los Angeles, intervenor.

O P I N I O N

Complainant seeks installation of telephone service at 5430 Corteen Place, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67295, dated June 3, 1964).

Defendant's answer alleges that on or about November 20, 1962, it had reasonable cause to believe that service to E. Blaustein, under number 769-4203, 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 July 16, 1964.

By letter of November 19, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 769-4203 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 seeking employment as an air-conditioning salesman, that his wife is under the care of a doctor for arthritis and that telephone service is essential for family and medical reasons. Complainant further testified that he was arrested for bookmaking in November 1962 and the charges were dismissed. Complainant testified that he did not have telephone service for a year and a half, that there are no pending criminal charges against him, that he has great need for telephone service and that 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. 67295, dated June 3, 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 25th day of AUGUST, 1964.

Fredrick B. Holshoff
President

John E. [unclear]

Wendell [unclear]

George G. Hoover

William W. [unclear]
Commissioners