

ORIGINAL

Decision No. 68081

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DAVID L. DOTSON,  
Complainant,  
vs.  
THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,  
Defendant.

Case No. 7935

David L. Dotson, in propria persona.  
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 restoration of telephone service at 1310 S. Wilton Place, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67509, dated July 14, 1964.)

Defendant's answer alleges that on or about May 18, 1964, it had reasonable cause to believe that service to David L. Dotson, under number 733-9627 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 September 14, 1964.

By letter of May 15, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 733-9627 was being used to arrange appointments to carry on the practice of prostitution in violation of Penal Code Section 647b, and requested disconnection (Exhibit 1).

Complainant testified that the allegations of the complaint are true, that he has no knowledge of any illegal use of his telephone; that he is employed by Lockheed Aircraft and is also engaged in social work, assisting others, and is making every effort to prevent the unlawful use of his telephone.

Complainant further testified that he has no knowledge of the facts occurring when the police removed his telephone and 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.

ORDER

IT IS ORDERED that Decision No. 67509, dated July 14, 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 20<sup>th</sup> day of OCTOBER, 1964.

Fredrick P. Holdhoff  
President

George G. Trover

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