

ORIGINAL

Decision No. 68159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALAN L. FRIEND,

Complainant,

vs.

Case No. 7947

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Alan L. Friend, 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, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 11506 Felton, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67596, dated July 28, 1964.)

Defendant's answer alleges that on or about January 31, 1964, it had reasonable cause to believe that service to Alan L. Friend, under number 679-2038 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 21, 1964.

By letter of January 29, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 679-2038 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 his family consists of his wife and two small children; that he works nights at Hughes Aircraft and needs a telephone for his family while he is away and to call a doctor. Complainant also testified that his telephone has been disconnected for six months.

Complainant further testified that he has no personal knowledge of any illegal use of his telephone except what his wife has told him and he has instructed her not to use it for illegal purposes 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 complainant used the telephone for any illegal purpose.

Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 67596, dated July 28, 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 2nd day of November, 1964.

Fredrick B. Holcomb
President

John P. [unclear]

Wesley [unclear]

George H. Grover

William B. Bennett
Commissioners