

ORIGINAL

Decision No. 68160

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CROWN HILL RECREATION CLUB,
a California corporation,)

Complainant,)

vs.)

Case No. 7943

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,)

Defendant.)

Paul K. Duffy, 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 restoration of telephone service at 1413 West Third Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67597, dated July 28, 1964).

Defendant's answer alleges that on or about June 19, 1964, it had reasonable cause to believe that service to Crown Hill Recreation Club, under number 482-9381 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 June 17, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 482-9381 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).

Joseph Stubler testified that he is president of complainant corporation, and that it is a nonprofit social organization with club rooms, pool tables, and television facilities for the recreation of the members, numbering approximately 200.

Joseph Stubler also testified that the club has great need for telephone service for the convenience of its members and to properly conduct the affairs of the club.

Joseph Stubler further testified that he was arrested and charged with forwarding bets but that the case was dismissed; that there are no charges pending against him; that he did not engage in bookmaking or use the telephone for such purpose and that he has no knowledge of any illegal use of the club telephone on said premises. The club has great need for telephone service, and the members will not be permitted to 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.

O R D E R

IT IS ORDERED that Decision No. 67597, 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. Holshoff
President

John E. Mitchell

Robert W. Koff

George A. Hoover

William B. Bennett
Commissioners