

**ORIGINAL**

Decision No. 68381

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES E. HICKS,  
Complainant,

vs

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Case No. 7992

James E. Hicks, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.  
Roger Arnebergh, City Attorney, by James  
Henry 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 4209 South Broadway, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67834, dated September 15, 1964).

Defendant's answer alleges that on or about August 14, 1964, it had reasonable cause to believe that service to J. Hicks, under numbers 232-0300 and 232-9903 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 October 29, 1964.

By letters dated August 13, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers 232-0300 and 232-9903 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that he was engaged in the custom lamps and glassware business at the time of removal of his telephones; that others had keys to his place of business; but that he had no knowledge of any unlawful use of the telephones.

Complainant further testified that no criminal charges have been filed against him; that he will not allow others to use his telephones; that he has great need for telephone service; and that he did not and will not use the telephones 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 that the evidence fails to show the telephones were used for any illegal purpose. Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 67834, dated September 15, 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 22<sup>nd</sup>  
day of DECEMBER, 1964.

Frederick B. Holtschoff  
President  
W. J. [unclear]  
Walter [unclear]  
George H. Grover  
William [unclear]  
Commissioners