

ORIGINAL

Decision No. 68796

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM BOATWRIGHT,

Complainant,

vs

Case No. 8098

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

William Boatwright, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
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 1236 East 56th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68492, dated January 19, 1965).

Defendant's answer alleges that on or about November 25, 1964, it had reasonable cause to believe that service to William H. Boatwright, under number 233-7588 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 February 15, 1965.

By letter of November 24, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 233-7588 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 has a wife and two small children, ages 9 and 7 years; his wife suffers from diabetes and fainting spells; and he needs telephone service for the family and for medical reasons to call a doctor.

Complainant further testified that he was arrested but was released and no charges were filed against him; 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. 68492, dated January 19, 1965, 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 30th day of March, 1965.

Frederick B. Halchuff
President

George A. Grover

August

William B. Bennett
Commissioners