

ORIGINAL

Decision No. 68991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSS H. WATANABE,
Complainant,

vs

PACIFIC TELEPHONE, a
corporation,
Defendant.

Case No. 8113

Max Solomon, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.
Roger Arnebergh, City Attorney, by
Michael T. Sauer, 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 17217 South Hoover, Gardena, California. Interim restoration was ordered pending further order (Decision No. 68529, dated January 22, 1965).

Defendant's answer alleges that on or about January 15, 1965, it had reasonable cause to believe that service to Ross H. Watanabe, under number 321-3892, 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 March 25, 1965.

By letter of January 14, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number FA 13892 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 three children, ages 16, 18 and 19; that he and his wife are employed in Gardena and he works nights; and that telephone service is essential for keeping in touch with their places of employment and for the security of his family.

Complainant further testified that he was arrested for bookmaking; that he did not use the telephone for bookmaking; that 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.

O R D E R

IT IS ORDERED that Decision No. 68529, dated January 22, 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 14th day of May, 1965.

Frederick B. Halaloff
President
George H. Hoover
William B. Bennett
Commissioners