

ORIGINAL

Decision No. 69159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FISCHEL LICHTENSTEIN, d.b.a.
BABE'S,

Complainant,

vs.

Case No. 8128

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Fischel Lichtenstein, in propria persona.
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 22024 Ventura Boulevard, Woodland Hills, California. Interim restoration was ordered pending further order (Decision No. 68669, dated March 2, 1965).

Defendant's answer alleges that on or about February 4, 1965, it had reasonable cause to believe that service to Fischel Lichtenstein under number 347-9206 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 April 13, 1965.

By letter of February 3, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 347-9206 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 is owner and operator of a bar at the above-mentioned address which is open from 6:00 a.m. to 2:00 a.m. the next morning, that he is dependent on help to operate the bar, and that he has a heart condition. Complainant testified that he has no knowledge of any illegal bookmaking at said premises, except that one of his employees was arrested and he is no longer employed by complainant.

Complainant further testified 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. 68669, dated March 2, 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 10th day of June, 1965.

Frederic B. Hollister
President

John R. Mitchell

George A. Trevor

Augustin

William L. Brund
Commissioners