

ORIGINAL

Decision No. 69665

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STEVEN BOARDNER,

Petitioner,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a Cali-
fornia corporation,

Respondent.

Case No. 8158

Snyder & Gorenfeld, by Abraham Gorenfeld,
for complainant.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,
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 1652 North Cherokee, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68906, dated April 20, 1965).

Defendant's answer alleges that on or about February 16, 1965, it had reasonable cause to believe that service to Steven Boardner, under number 462-9621, 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 July 29, 1965.

By letter of February 15, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number HO 2-9621 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 the operator of a restaurant and cocktail bar duly licensed by the State of California; that he has great need for telephone service in the operation of such business and for use by his customers.

Complainant further testified that all charges against him were dismissed; he has no knowledge of any unlawful use of his telephone; 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. 68906, dated April 20, 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 Los Angeles, California, this 14th day of SEPTEMBER, 1965.

Frederick B. Hallock
President

John E. Mitchell

George L. Hoover

Augustus

Commissioners

*A dissent. See my
views on C. 7789, Dec. 65510.
William L. Dunne*