

ORIGINAL

Decision No. 69793

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROYAL HEALTH BATHS, INC.,
a corporation,

Complainant,

vs.

PACIFIC TELEPHONE AND
TELEGRAPH CO., INC.

Defendant.

Case No. 8189

Friedman and Cone, by Allan E. Cone,
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 5325 West Pico Blvd., Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69155, dated June 1, 1965).

Defendant's answer alleges that on or about June 1, 1965, it had reasonable cause to believe that service to Bruce Everston, under numbers 933-5836, 933-5837 and 933-5838, 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, California, on September 13, 1965.

By letter of May 28, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers WE 3-5836-7-8 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Bruce Everston, a witness for complainant, testified that he is secretary of the complainant; that it has over 1,000 customers per week; that telephone service is essential for operating the business and for the convenience of its customers, and that none of its employees have been arrested or charged with any violation of law.

Bruce Everston further testified that complainant does not permit the use of its telephone for any unlawful purpose and it has great need for telephone service, and it 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. 69155, dated June 1, 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 13th day of OCTOBER, 1965.

Fredrick B. Helms
 President

George H. Grover

Augusta

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

*I dissent to this
 entire proceeding.
 See my views in
 the Toffel case.
 William M. Dwyer*