

**ORIGINAL**

Decision No. 70860

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NORBERT ARRIOLA,  
Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Case No. 8347

David W. Kwan, for complainant.  
Lawler, Felix & Hall, by Richard L. Fruin, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by James H. 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 2811 North Figueroa Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70342, dated February 15, 1966).

Defendant's answer alleges that on or about January 10, 1966, it had reasonable cause to believe that service to Norbert Arriola, under number 225-9500, 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 21, 1966.

By letter of January 6, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 225-9500 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 owner and operator of a restaurant business, known as the Knights Inn, that he uses the semi-public telephone service to order supplies and for other business and essential personal communications, and that his customers and employees also need the use of telephone service. Complainant further testified that the telephone is in a booth with a door to shut out noise.

Complainant has no knowledge of any unlawful use of the telephone and 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. 70342, dated February 15, 1966, 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 14<sup>th</sup> day of JUNE, 1966.

Fredrick B. Hallock  
President

D. E. Mitchell

Thomas L. Traver

Augustus

Commissioners