

ORIGINAL

Decision No. 71165

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OTIS WILLIAMS and
LOIS T. BERTRAND,

Complainants,

vs.

Case No. 8389

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Ivan J. Johnson, III, for complainants.
Lawler, Felix & Hall, by Richard L. Fruin, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Allen U. Schwartz,
for the Police Department of the City of
Los Angeles, intervener.

O P I N I O N

Complainants seek restoration of telephone service at 1126 East Vernon Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70571, dated April 13, 1966).

Defendant's answer alleges that on or about February 1, 1966, it had reasonable cause to believe that service to Otis Williams, under number 232-9125, 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 June 16, 1966.

By letter of January 25, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 232-9125 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, Otis Williams, testified that: he is the owner of a combined recreation facility, shoe shine parlor and barber shop; he has had telephone service for 35 years, including 5 years at his present address; telephone service is necessary for him and his customers to make appointments and for their general convenience; complainant, Lois T. Bertrand, is not a telephone subscriber at this address but works in the shop; and he, Williams, did not and will not use the telephone for any unlawful purpose. Complainants requested that the complaint of Lois T. Bertrand be dismissed.

A deputy city attorney appeared and cross-examined complainant Williams, 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.

We conclude that complainant, Otis Williams, is entitled to restoration of service.

O R D E R

IT IS ORDERED that the complaint of Lois T. Bertrand is dismissed, and Decision No. 70571, dated April 13, 1966, temporarily

restoring service to complainants, is amended to show that it is for restoration of service to Otis Williams and, as such, 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 23rd day of AUGUST, 1966.

John E. Mitchell President
George E. Hoover
Augusta
William B. Bennett

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.