

**ORIGINAL**

Decision No. 71392

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Robert Anderson,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 8429

Robert L. Anderson, in propria persona.  
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 1415 West 46th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70778, dated June 1, 1966).

Defendant's answer alleges that on or about May 18, 1966, it had reasonable cause to believe that service to Robert L. Anderson, Jr., under number 295-5880, 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 August 25, 1966.

By letter of May 16, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 295-5880 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 employed mostly at night as a waiter; that his wife also works; that the family consists of four children ages 9 through 16, all of whom attend school; and that telephone service is essential for the welfare of his family and to assist him in keeping his employment.

Complainant further testified that his wife was arrested but has been completely exonerated; and that 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. 70778, dated June 1, 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 11<sup>th</sup> day of OCTOBER, 1966.

*John E. Mitchell*  
President

*George E. Hoover*

*Fredrick B. Holcomb*

*William L. Bennett*

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.