

ORIGINAL

Decision No. 71412

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CROWN HILL RECREATION CLUB
(Chartered by the State of
California),

Complainant,

Case No. 8406

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Respondent.

Burton Marks, for complainant.
Lawler, Felix & Hall, by
Richard L. Fruin, Jr., for
defendant.

Roger Arnebergh, City Attorney, by
Charles E. Mattson, 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 1411 W. 3rd Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70678, dated May 10, 1966).

Defendant's answer alleges that on or about April 20, 1966, it had reasonable cause to believe that service to Crown Hill Recreation Club, under number 482-9381, 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 September 7, 1966.

By letter of April 19, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 482-9381 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).

Mr. Joseph Stubler testified that he is the secretary for the complainant; that complainant is a nonprofit organization chartered by the State of California for the recreation of its members, a large number of whom are taxi drivers; that the telephone service is necessary for the use of the members in keeping appointments; that the club has pool tables and other recreational facilities for use of members; that he was arrested and that his trial is pending; that the club and its members have great need for telephone service, and that they do 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. 70678, dated May 10, 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 18th day of OCTOBER, 1966.

Peter L. Mitchell
President

George J. Hoover

Fredrick B. Holdhoff

Augustan
St
Commissioners