

**ORIGINAL**

Decision No. 71413

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGE HOULEY,

Complainant,

vs.

PACIFIC TELEPHONE,  
a Corporation,

Defendant.

Case No. 8419

Max Solomon, 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 524 South Harvard Boulevard, Apt. 2, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70770, dated May 24, 1966).

Defendant's answer alleges that on or about November 10, 1965, it had reasonable cause to believe that service to G. Houley, under number 387-5962, 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 November 9, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DU 7-5962 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 not a bookmaker and did not use the telephone to violate the law; that he lives alone and needs telephone service because of poor health and the need to call a doctor as he suffers from hypertension and frequent attacks of vertigo at night; that at present he is suffering from a whiplash injury, and that he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared for the Los Angeles Police Department and called a police officer who testified that he entered the premises of the complainant with a search warrant while complainant was talking over the telephone and that there were betting markers in front of him on a table, one of which was a betting marker which he correlated with races run at Aqueduct Park that day. The officer further testified that complainant's telephone rang five times while he was on the premises and he answered the telephone each time and all but once the calling party hung up; that one time the calling party said "this is Larry" and asked to place a \$5 win bet on a horse running at Bay Meadows that day.

We find that defendant's action was based upon reasonable cause; that the evidence discloses the telephone was used for bookmaking purposes contrary to law; that complainant's telephone service was disconnected more than six months; that complainant has urgent need for telephone service on account of serious physical disabilities, and, therefore telephone service should be restored.

O R D E R

IT IS ORDERED that Decision No. 70770, dated May 24, 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 18<sup>th</sup> day of OCTOBER, 1966.

*Wm. E. Mitchell* President  
*George J. Grover*  
*Frederic B. Hallock*  
*Augustin*  
Commissioners