

ORIGINAL

Decision No. 71511

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HIROSHI BABA,

Complainant,

vs.

PACIFIC TELEPHONE, a
Corporation,

Defendant.

Case No. 8454

Max Solomon, 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 3529 Muirfield Road, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70916, dated June 28, 1966).

Defendant's answer alleges that on or about June 21, 1966, it had reasonable cause to believe that service to Sam Baba, under number 735-6496, 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 26, 1966.

By letter of June 20, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 735-6496, 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 has been a barber for 16 years and owns and operates the barber shop at 2906 1/2 West Jefferson Street where he has also had the service of the above-mentioned telephone number; he has another barber working for him; the telephone service is necessary for the use of customers and operators; the barber shop is his sole support; he is not a bookmaker and has never used the telephone to violate the law; 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.

O R D E R

IT IS ORDERED that Decision No. 70916, dated June 28, 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 9th day of NOVEMBER, 1966.

[Signature]
President

George G. Grover

Fredrick B. Holdoff

Augusta

William C. Bennett
Commissioners