

ORIGINAL

Decision No. 71819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARL WATSON,

Complainant,

VS.

Case No. 8487

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Carl Watson, in propria persona.
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 2008 South Hillcrest Drive, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71062, dated August 2, 1966).

Defendant's answer alleges that on or about January 14, 1966, it had reasonable cause to believe that service to Mrs. Carl Watson, under number 935-4926, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and that defendant was required to disconnect the service.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 4, 1966.

By letter of January 13, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 54926 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 employed for 40 years by Southern Pacific Company in the dining car service; that they have taken off the dining cars and now he only gets work on call when his number is up; that he needs telephone service to get this work; that he cares for his mother-in-law who is blind; 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 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. 71062, dated August 2, 1966, temporarily restoring service to complainant, is amended

to show that it is for the installation of new service and, as such, that it 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 17th day of JANUARY, 1967.

[Signature]
President

[Signature]

[Signature]

_____ Commissioners