

ORIGINAL

Decision No. 71850

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STANLEY J. KARSH,

Complainant,

vs.

Case No. 8456

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Stanley J. Karsh, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Roger Arnebergh, City Attorney, by
Charles W. Sullivan, 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 5546 Lindley Ave., Apt. 1, Encino, California. Interim restoration was ordered pending further order (Decision No. 70917, dated June 28, 1966).

Defendant's answer alleges that on or about June 6, 1966, it had reasonable cause to believe that service to Stanley John Karsh, under number 344-6936, 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 the service.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 9, 1966.

By letter of June 3, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 344-6936 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 was not present when his telephone was disconnected and has no knowledge of any unlawful use of the telephone; that he works as a clerk in a supermarket and telephone service is necessary to enable him to keep his working appointments; that he and his associate at this address have great need for telephone service, and they 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. 70917, dated June 28, 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

John E. Mitchell
President

Augustor

John W. Bennett

Commissioners