

Decision No. 72237

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT NELSON,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 8547

Harvey B. Himmel, 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 1216 North Las Palmas Avenue, Apt. 3, Hollywood, California. Interim restoration was ordered pending further order (Decision No. 71503, dated November 1, 1966).

Defendant's answer alleges that on or about July 25, 1966, it had reasonable cause to believe that service to Robert Nelson under number 464-1736 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 February 16, 1967.

By letter of July 22, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 464-1736 was being used in violation of Penal Code Section 647b and requested disconnection (Exhibit 1).

Complainant testified that he is manager of a bar and that his home telephone is necessary for keeping appointments at his work and in earning a living. He also testified that he has moved to 6701 Fountain Avenue, Los Angeles, has a new phone number 464-1754 and that the complaints by the police against him were all dismissed.

Complainant further testified that his phone was disconnected for two months and that he has great need for telephone service, 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 service at his new address.

O R D E R

IT IS ORDERED that Decision No. 71503, dated November 1, 1966, temporarily restoring service to complainant, is amended to show that it is for the installation of new service at

6701 Fountain Avenue, Los Angeles, 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 4<sup>th</sup> day of APRIL, 1967.

*John E. Mitchell*  
President

*William L. Bernick*

*Augustin*

*William S. ...*

*And P. ...*  
Commissioners