

ORIGINAL

Decision No. 75214

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD V. LOVEMAN

Petitioner,

Vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
California corporation,

Respondent.

Case No. 8383
(Filed March 24, 1966)

Norman R. Spevack, for petitioner.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for respondent.
Roger Arnebergh, City Attorney, by
Charles E. Mattson, and Allen V.
Schwartz, for Los Angeles
Police Department; interested
parties.

O P I N I O N

Complainant seeks restoration of telephone service at 7268½ Fountain Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70487, dated March 29, 1966).

Defendant's answer alleges that on or about March 17, 1966, it had reasonable cause to believe that service to Richard V. Loveman, under number 465-5578 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 called for hearing before Examiner DeWolf at Los Angeles on December 30, 1968, and complainant failed to appear.

Defendant called one witness who testified to receipt of a letter marked Exhibit No. 1.

By letter of March 15, 1966, the Chief of Police of Los Angeles advised defendant that the telephone under number 465-5578 was being used to corrupt public morals in violation of Penal Code Section 182.5 P.C., and requested disconnection (Exhibit No. 1).

The City of Los Angeles Police Department appeared as intervener by the City attorney.

We find that defendant's action was based upon reasonable cause, and that the complaint should be dismissed for failure of the complainant to appear, and that the interim order heretofore made in the above matter granting interim relief should be vacated.

O R D E R

IT IS ORDERED that the above-entitled complaint is hereby dismissed, and Interim Decision No. 70487, dated March 29, 1966, is hereby vacated.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of JANUARY, 1969.

William Symons Jr.
President
Morgan
David R. Monsey
J. P. Morin
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.