

ORIGINAL

Decision No. 59763

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM C. HARRIS,

Complainant,

vs.

Case No. 6399

GENERAL TELEPHONE COMPANY
OF CALIFORNIA, a corporation,

Defendant.

William C. Harris in propria persona.
Albert M. Hart, by H. Ralph Snyder, Jr., for the
defendant.

O P I N I O N

By the complaint herein, filed on December 21, 1959, William C. Harris seeks an order from this Commission that his telephone service furnished by the defendant, General Telephone Company of California, at 3359 Pacific Avenue, Long Beach, California, be restored.

The defendant did not file an answer to the complaint but its attorney appeared at the hearing on the complaint which was held in Long Beach on February 3, 1960 before Examiner Kent C. Rogers.

The complainant testified that he and his wife reside at 3359 Pacific Avenue, Long Beach, California; that prior to November 14, 1959, he was a subscriber to telephone service furnished by the defendant at said address; that on or about November 14, 1959, the telephone was removed by members of the Sheriff's Department of

Los Angeles County; that he and his wife need the telephone; that on the day the telephone was removed it was not used for illegal purposes; and that the telephone will not be used for illegal purposes in the future.

No evidence was presented on behalf of any law enforcement agency.

The defendant and the complainant stipulated that on November 14, 1959, the Sheriff of Los Angeles County advised the defendant that complainant's telephone was being used for bookmaking purposes in violation of the law, that the telephone had been removed, and requesting that the service be disconnected; that said letter was received by defendant on November 20, 1959; that pursuant to said letter from the Sheriff, the defendant disconnected the complainant's telephone service on November 24, 1959; and that the service has not been reconnected. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), in disconnecting the service inasmuch as it had received the letter from the Sheriff's Department of Los Angeles County requesting that the telephone service be disconnected and stating the reasons therefor.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra. We further find that there is no evidence that the complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for illegal purposes. Therefore, the complainant is entitled to restoration of telephone service.


O R D E R

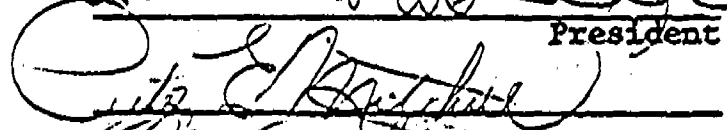
The complaint of William C. Harris against the General Telephone Company of California, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully informed in the premises and basing its decision upon the evidence of record and the findings herein,

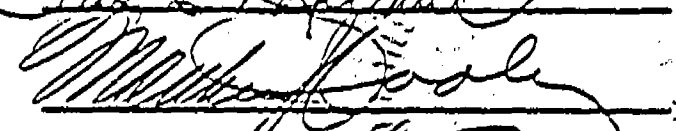
IT IS ORDERED that complainant's request for restoration of telephone service be granted and that upon the filing by complainant of an application for telephone service, the General Telephone Company of California shall restore telephone service to complainant's home at 3359 Pacific Avenue, Long Beach, California, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

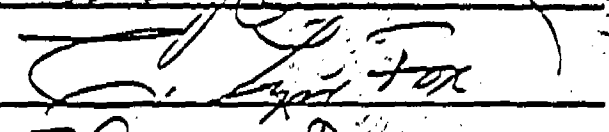
The effective date of this order shall be five days after the date hereof.

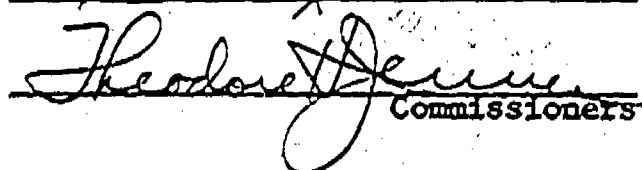
Dated at San Francisco, California, this 8th day of March, 1960.



President








Commissioners