

60316

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT E. HARRIS,

Complainant,

vs.

Case No. 6454

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,

Defendant.

Robert E. Harris in propria persona.
Donald J. Duckett and Albert M. Hart, by Donald J.
Duckett, for defendant.

O P I N I O N

By the complaint herein, filed on April 13, 1960, Robert E. Harris requests the restoration of telephone service by defendant to complainant's place of business, Harris Bar Supplies, 240 Vernon Street, Long Beach, California.

By Decision No. 60012, dated April 26, 1960, in Case No. 6454, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the complaint herein.

On May 9, 1960, the telephone company filed an answer the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), on or about February 16, 1960,

had reasonable cause to believe that the telephone service furnished to complainant was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law and that having such reasonable cause, the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles on May 24, 1960, before Examiner Kent C. Rogers.

The complainant testified that he is the owner of a bar supply business known as Harris Bar Supplies, at 240 Vernon Street, Long Beach, California; that on or about February 19, 1960, his telephone service was disconnected by the defendant; that upon inquiry the complainant was informed that the telephone was disconnected because it was used for illegal purposes; that the complainant had not used the telephone for illegal purposes and that he needs a telephone and desires that the service be restored.

There was no appearance on behalf of any law enforcement agency.

It was stipulated by the complainant and the defendant that on or about February 17, 1960, the defendant received a letter from the Sheriff of Los Angeles County advising the defendant that complainant's telephone was being used for illegal purposes and asking that it be disconnected, and that thereafter on February 19, 1960, the telephone company disconnected the service pursuant to said request from the Sheriff. It was further stipulated that the service was reconnected pursuant to Decision No. 60012, supra, on or about May 1, 1960.

It was the position of the telephone company that it had acted with reasonable cause as that term is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received notice from the Sheriff of Los Angeles County that the telephone was being used for illegal purposes.

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 the evidence fails to show that the complainant's telephone was used for any illegal purpose, therefore, complainant is entitled to restoration of telephone service.

O R D E R


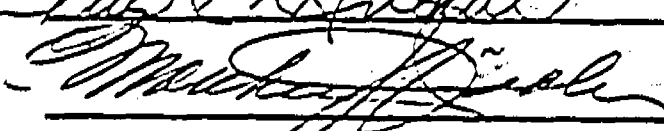
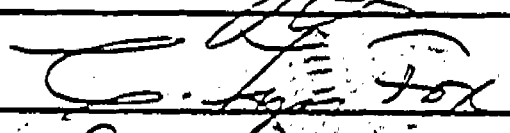
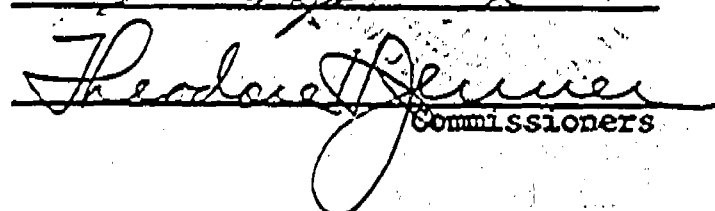
The complaint of Robert E. Harris against the General Telephone Company of California, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

IT IS ORDERED that the order of the Commission in Decision No. 60012, dated April 26, 1960, in Case No. 6454, temporarily restoring telephone service to the complainant be made permanent, 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 twenty days after the date hereof.

Dated at San Francisco, California,
this 28th day of June, 1960.

 President


 Commissioners

Commissioner Everett C. McKenna, being necessarily absent, did not participate in the disposition of this proceeding.