

**ORIGINAL**

Decision No. 63714

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT L. MORRIS,

Complainant,

vs.

Case No. 7277

GENERAL TELEPHONE COMPANY OF CALIFORNIA, a corporation,

Defendant.

Joseph T. Forno, for complainant.  
Albert M. Hart, H. Ralph Snyder, Jr., and  
Donald J. Duckett, by Donald J. Duckett,  
for defendant.  
Harold W. Kennedy, County Counsel, by DeWitt  
Clinton, Deputy County Counsel, for  
Sheriff's Office of Los Angeles County,  
intervenor.

O P I N I O N

By the complaint herein, filed on February 1, 1962, Robert L. Morris requests an order of this Commission that the defendant, General Telephone Company of California, a corporation, be required to reinstall telephone service at his home at 1933 Petunia Street, Glendora, California.

By Decision No. 63248, dated February 13, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On March 1, 1962, 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), had reasonable cause to believe that the telephone service furnished to Robert L. Morris under number EDgewood 5-0025 and extension, at 1933 Petunia, Glendora, California, 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, and the complainant was notified by letter dated December 21, 1961.

A public hearing was held in Los Angeles on April 11, 1962, before Examiner Robert D. DeWolf and the matter was submitted on the same date.

Exhibit No. 1 is attached to the answer of defendant as Exhibit A and is a copy of a letter, which bears no date, from the Sheriff's Office of the County of Los Angeles to the defendant, advising the defendant that the telephone furnished to Robert L. Morris under number ED 5-0025 and extension was being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause, as that term is used in Decision No. 41415, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

Complainant testified that he is a truck driver, is on 24-hour call in long distance service, and has great need for a telephone in order to perform his work. He testified that he was not present when his wife was arrested for bookmaking, and that he had no knowledge of her activities in that connection. She has paid a fine and will not use the phone for any unlawful purposes.

The County Counsel appeared on behalf of the Sheriff of Los Angeles County, but offered no testimony in opposition to the complaint.

After full consideration of this record, we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, and we further find that the evidence discloses that the complainant's telephone was used for bookmaking purposes, and that the complainant has been without the use of a telephone for more than sixty days. Telephone service should be restored in the name of Robert L. Morris, at 1933 Petunia Street, Glendora, California.

O R D E R

The complaint of Robert L. Morris against 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 herein,

IT IS ORDERED that the order of the Commission in Decision No. 63248, dated February 13, 1962, in Case No. 7277,

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 22nd day of MAY, 1962.

*Wesley A. Hayes*  
 President

*John L. Marshall*

*E. L. Fox*

*George L. Hoover*

*Frederick B. Holroyd*  
 Commissioners