

ORIGINAL

Decision No. 65131

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Louis E. Cunningham,

Complainant,

vs

Case No. 7510

The Pacific Telephone and Telegraph
Company, a corporation,

Defendant.

Louis E. Cunningham, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 404 North Marguerita Avenue, Alhambra, California. Interim restoration was ordered pending further order (Decision No. 64714).

Defendant's answer alleges that on or about August 21, 1962, it had reasonable cause to believe that service to Louis E. Cunningham under number AT 9-1350 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 service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on February 20, 1963.

By letter of August 18, 1962, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AT 9-1350 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1).

Complainant testified that he is 74 years old, is extremely deaf and almost blind and cannot drive a car. He needs a telephone to call a doctor and for other essential purposes, and that he had no knowledge of any illegal use of his telephone. He has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 64714, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective on the date hereof.

Dated at San Francisco, California, this 26th day of March, 1963.

George H. Hoover
President

Robert S. Dinkels
Ernest H. ...

Frederick B. ...
William W. ...
Commissioners