

65256

Decision No. \_\_\_\_\_

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWARD REISS,

Complainant,

vs

Case No. 7488

PACIFIC TELEPHONE & TELEGRAPH  
COMPANY, a corporation,

Defendant.

Edward Reiss, 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 4600 West Santa Barbara Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 64587).

Defendant's answer alleges that on or about November 6, 1962, it had reasonable cause to believe that service to Edward Reiss under number AX 3-5853 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, California, on February 13, 1963.

By letter of November 2, 1962, the Chief of the Intelligence Division, Internal Revenue Service, U. S. Treasury Department, Los Angeles, advised defendant that the telephone under number AX 3-5853 was being used to violate Federal Wagering Tax Statutes and requested disconnection (Exhibit I).

Complainant testified that he is engaged in the pastry business and delivery of pies and other products and uses the telephone to contact his customers and it is necessary that he have telephone service for earning a livelihood in his occupation; that his wife is seriously ill and needs a telephone to contact her doctor since complainant leaves the premises about midnight and does not return until early morning; that he has not forwarded any bets for others over his telephone, but on two or three occasions he has placed bets for himself over the telephone with a bookmaker; and that he has great need for telephone service and will not, in the future, use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

The Commission finds and concludes that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415; that the complainant's telephone was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing; that the complainant has been without telephone service for 24 days; that the complainant has urgent need for a telephone for his wife who is seriously ill; and that the complainant should have telephone service restored at 4600 West Santa Barbara Avenue, Los Angeles, California.

#### O R D E R

IT IS ORDERED that the order of the Commission in Decision No. 64587, dated December 4, 1962, in Case No. 7488, 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 23 day of APRIL, 1963.

Charles L. Hoover  
President

[Signature]

[Signature]

Fredrick B. Holluff

[Signature]  
Commissioners