

ORIGINALDecision No. 65325

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM FONG, HENRY FONG and
 GEORGE FONG, individually and
 dba HANDY DANDY MARKET, and
 WILLIAM FONG, HENRY FONG and
 GEORGE FONG, partners, dba
 HANDY DANDY MARKET,
 Complainants,
 vs.
 THE PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY, a corporation,
 Defendant.

Case No. 7530
 (Filed January 14, 1963)

John L. Brennan and Thomas E. Feeney, for
 complainants.
 Pillsbury, Madison & Sutro, by James F.
Kirkham, for defendant.

O P I N I O N

Complainants seek restoration of telephone service at complainants' market at 1642 Bush Street, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 64800.)

Defendant's answer alleges that on or about January 11, 1963, defendant had reasonable cause to believe that service to complainants under numbers PR 6-2910 and PR 6-0820 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore it 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 Rowe at San Francisco, California, on April 2, 1963.

By letter of January 8, 1963, the Chief of Police of the City and County of San Francisco advised defendant that the telephone service under numbers PR 6-2910 and PR 6-0820 was being used to disseminate horse-racing information used in connection with book-making in violation of Penal Code Section 337a, and requested disconnection. (Exhibit No. 1.)

Complainant William Fong testified that he and his brothers have great need for telephone service and that neither he nor his brothers will use or permit the use of the telephones for any illegal purpose. No evidence was offered on behalf of any law enforcement agency.

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We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephones were used for any illegal purpose. Complainants are entitled to restoration of telephone service.

O R D E R

IT IS ORDERED that Decision No. 64800, temporarily restoring service to complainants, is made permanent, subject to defendant's tariff provisions and existing applicable law.

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

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Dated at Los Angeles, California, this 7th day of MAY, 1963.

Joseph J. Hoover
President
John R. Mitchell
Fredrick B. Holoboff
William W. Beaumont

Commissioners

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