

ORIGINAL

Decision No. 65355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DAVID HARRY ZARING,)	
)	
Complainant,)	
)	
vs.)	Case No. 7541
)	
CALIFORNIA WATER AND TELEPHONE)	
COMPANY, a corporation,)	
)	
Defendant.)	

Lascher and Bedworth, by Wilfred J. Bedworth,
 for complainant.
 Bacigalupi, Elkus and Salinger, by James T. Naylor,
 for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 8301 Sepulveda Boulevard, Los Angeles, California. Interim restoration was ordered pending further order by Decision No. 64893, dated February 5, 1963, and service restored pursuant thereto on February 8, 1963:

Defendant's answer alleges that on or about January 23, 1963, it had reasonable cause to believe that the service to complainant at telephone number EM 29026 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of the law, and therefore defendant was required to disconnect service pursuant to Decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner Rogers at Los Angeles on April 18, 1963, in the absence of Examiner DeWolf.

By letter of January 18, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number EM 29026 at 8301 Sepulveda Boulevard, Los Angeles, was being used to disseminate horse-racing information used in connection with book-

making in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1). Defendant notified the subscriber of disconnection on or about January 23, 1963.

Complainant testified that he has need for the telephone service and that 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 the defendant's action was based upon reasonable cause and the evidence fails to show that the telephone was used for any illegal purpose. The complainant is entitled to telephone service.

O R D E R

IT IS ORDERED that Decision No. 64893, temporarily restoring service to complainant, 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.

Dated at San Francisco, California, this 14th day of MAY, 1963.

George G. Prover
President

Frederick B. Halaloff

William W. Bennett
Commissioner Everett C. McKeago, being necessarily absent, did not participate in the disposition of this proceeding.
Commissioners