

Decision No. 65785

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM PAUL JONES,

Complainant,

vs.

Case No. 7601

GENERAL TELEPHONE COMPANY OF CALIFORNIA, a corporation,

Defendant.

Joseph T. Forno, for complainant.  
A. M. Hart & Donald J. Duckett, by  
Donald J. Duckett, for defendant.  
Roger Arnebergh, City Attorney, by  
Nowland Hong, for the Police Department  
of the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 12026 Sproul Street, Norwalk, California. Interim restoration was ordered pending further order (Decision No. 65285).

Defendant's answer alleges that on or about March 1, 1963, it had reasonable cause to believe that service to William Paul Jones under number UN 4-1458 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 June 19, 1963.

By letter of February 23, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number UN 4-1458 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to defendant's answer on file.

Complainant testified that his wife is suffering from a heart condition and has urgent need for telephone service for medical reasons.

Complainant further testified that he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant but no testimony was offered on behalf of 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.

ORDER

IT IS ORDERED that Decision No. 65285, 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.

San Francisco

Dated at \_\_\_\_\_, California,  
this 30<sup>th</sup> day of JULY, 1963.

William W. Bennett  
President

John E. Mitchell

Walter D. Page

George E. Grover

Fredrick B. Hilschoff  
Commissioners