

ORIGINAL

65826

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NORMAN GRABOWSKI,

Complainant,

vs

THE SUNLAND-TUJUNGA TELEPHONE CO.,
a corporation,

Defendant.

Case No. 7614

Max Solomon, for complainant.
A. M. Hart and Donald J. Duckett, by
Donald J. Duckett, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 10000 Wornom Avenue, Sunland, California. Interim restoration was ordered pending further order (Decision No. 65376).

Defendant's answer alleges that on or about April 29, 1963, it had reasonable cause to believe that service to Norman Grabowski under number FL 35642 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 June 24, 1963.

By letter of April 29, 1963, the Chief of Police

of the City of Los Angeles advised defendant that the telephone under number FL 35642 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 the answer of defendant on file.

Complainant's counsel stated that the complainant was working on the date of the hearing and called complainant's sister to testify in support of the allegations of the complaint. Complainant's sister testified that she has resided on the premises with complainant, her two children and her father and mother and is familiar with all the facts. Another brother who does not live with them was arrested while visiting on the premises and using the swimming pool. She also testified that she has no knowledge of any unlawful use of the telephone.

Complainant's sister further testified that her brother Norman, the complainant, is a motion picture and television entertainer and is the sole support of their father and mother and also aids in support of herself and children and that none of said occupants have used the telephone service for any unlawful purpose. This witness also testified that she uses the telephone service for medical purposes and the complainant requires the service to obtain employment and that they have 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. 65376, 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 6th day of AUGUST, 1963.

William A. Bennett
President
George T. Crow
Frederick B. Hallock
Commissioners