

ORIGINAL

Decision No. 65827

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RUFUS E. WILLIAMS,

Complainant,

vs

Case No. 7625

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,

Defendant.

Rufus Williams in propria persona.
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 15019 Studebaker Road, Norwalk, California. Interim restoration was ordered pending further order (Decision No. 65416).

Defendant's answer alleges that on or about October 6, 1962, it had reasonable cause to believe that service to Rufus E. Williams under number UN 42537 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 October 6, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number UN 42537 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). Exhibit 1 and Exhibit 2 are attached to defendant's answer on file herein.

Complainant testified that he is a foreman in a manufacturing plant at Downey, California, and needs telephone service at home to keep in touch with the plant at all hours. He has a family and minor children in school. He further testified that he, his wife and another party were arrested; that he pleaded guilty to pool selling and paid a fine of \$250; that the case against his wife and the other party was dismissed; and that he did not use the telephone in any violation of law.

Complainant further testified that his telephone has been disconnected for more than eight months, resulting in great inconvenience; 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 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. 65416, 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 W. Bennett
President
George G. Brewer
Frederick B. Hallock
Commissioners