

ORIGINAL

65866

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRY K. FURUKAWA,  
Complainant,

vs

PACIFIC TELEPHONE & TELEGRAPH  
COMPANY, a corporation,  
Defendant.

Case No. 7632

Mori & Katayama, by Arthur S. Katayama,  
for complainant.  
Lawler, Felix & Hall, by John M. Maller,  
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2633 East Third Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65502).

Defendant's answer alleges that on or about May 3, 1963, it had reasonable cause to believe that service to Henry Furukawa under number 262-2668 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 July 2, 1963.

By letter of April 29, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephones under numbers 262-2668 and AN 2-5363 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that he is employed part time to receive calls for starting time at Montebello Golf Course and has urgent need of telephone service; that he has not used the telephone for bookmaking, and that all criminal charges against him were dismissed.

Complainant further testified 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. 65502 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 13<sup>th</sup> day of AUGUST, 1963.

William W. Bennett  
President  
Robert C. Dutton  
Robert W. Leary  
Frederick B. Holloff

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.