

ORIGINAL

Decision No. 65917

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN MASON,

Complainant,

vs.

PACIFIC TELEPHONE CO.,

Defendant.

} Case No. 7468
} Filed October 19, 1962

Lawler, Felix & Hall, by John M. Maller,
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 11026 Louise Avenue, Lynwood, California. Interim restoration was ordered pending further order (Decision No. 65148).

Defendant's answer alleges that on or about October 19, 1962, it had reasonable cause to believe that service to John Mason under number NE 8-2724 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet the 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.

A public hearing was held and the matter was heard and submitted before Examiner DeWolf at Los Angeles on July 2, 1963.

By letter of October 17, 1962, the Chief of the Intelligence Division of the Internal Revenue Service of the U. S. Treasury Department, advised the defendant that the telephone under numbers 636-1441 and NE 8-2724 were being used to violate the Federal Wagering Tax Statutes, and requested disconnection (Exhibit 1).

Although duly notified, complainant failed to appear on June 5, 1963, June 19, 1963, and July 2, 1963, the dates set for hearing.

There was no 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. We further find that complainant, although duly notified of the hearing, failed to appear thereat.

We conclude, therefore, that complainant's request for restoration of service should be denied.

O R D E R

IT IS ORDERED that complainant's request for restoration of telephone service is denied and that the temporary interim relief granted by Decision No. 65148 is vacated and set aside.

IT IS FURTHER ORDERED that upon the expiration of sixty days after the effective date hereof, complainant may file an application for telephone service and that if such application is filed, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 11026 Louise Avenue, Lynwood, California, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 20th day of August, 1963.

William W. Bennett
President

John E. Matheis

Carl H. Page

George G. Brewer

Fredrick B. Holcroft
Commissioners