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ORIGINAL

Decision No. 65947

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MATHEW MOOSHAGIAN, dba
DELUXE MARKET,

Complainant,

vs

PACIFIC TELEPHONE, a
corporation,

Respondent.

Case No. 7634

Max Solomon, 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 1290 Duncan, East Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65508).

Defendant's answer alleges that on or about May 23, 1963, it had reasonable cause to believe that service to Mathew Mooshagian under number AN 3-3577 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 May 21, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AN 3-3577 was 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 the owner-operator of DeLuxe Market selling meats and doing a catering business and has urgent need of telephone service in the business. He testified his telephone service was not used for bookmaking and that although an employee was arrested and paid a fine on a misdemeanor charge, the telephone had not been used in any violation of law.

Complainant testified that he was not arrested or charged with any law violation, that he has great need for telephone service, and 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. 65508, 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 3rd day of September, 1963.

William L. Brund
President

Eric E. Hatch

Ernest W. Page

George T. Crowe

Frederick B. Holboff
Commissioners