

ORIGINALDecision No. 66019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HERSHEL T. GUM,

Complainant,

vs

GENERAL TELEPHONE COMPANY
OF CALIFORNIA, a corporation,

Defendant.

Case No. 7644

Hershel T. Gum, in propria persona.
 A. M. Hart & H. Ralph Snyder, Jr., by
H. Ralph Snyder, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 9848 Alondra, Apt. 14, Bellflower, California. Interim restoration was ordered pending further order (Decision No. 65568).

Defendant's answer alleges that on or about January 30, 1963, it had reasonable cause to believe that service to Walter B. Guthrie under number 867 2359 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 August 5, 1963.

By letter of January 30, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 867 2359 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). Said exhibits are attached to the answer of defendant.

Complainant testified that he is employed by Adohr Milk Company and works nights; that he has teenage daughters and a grandson and that he has urgent need for telephone service; that his telephone was disconnected for almost five months.

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. The Commission concludes, therefore, that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 65568, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it be 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 17th day of September, 1963.

William L. Bruner
President

John E. [unclear]

Creed [unclear]

George L. Trover

Frederick B. Helboff
Commissioners