

ORIGINAL

Decision No. 66057

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR R. RIGOLI,

Complainant,

vs

THE PACIFIC TELEPHONE and TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7606

Jack T. Price, 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 537 West Garvey Boulevard, Monterey Park, California. Interim restoration was ordered pending further order (Decision No. 65322).

Defendant's answer alleges that on or about April 17 and 23, 1963, it had reasonable cause to believe that service to Arthur R. Rigoli under number AT 4-2342 and number CU 3-5895 were being or were to be used as instrumentalities 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 20, 1963.

By letters of April 17, 1963 and April 19, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephones under numbers AT 4-2342 and CU 3-5895 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that he is engaged in the fire-extinguisher and dry-ice business and has six employees and that he made no bets on horses over these telephones and that he has no knowledge of any unlawful use of the telephones by his employees.

Complainant further testified that he has great need for telephone service in his business, and he did not and will not use the telephones 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 telephones were used for any illegal purpose.

The Commission concludes that complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65322 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 24th day of SEPTEMBER, 1963.

William L. Bennett
President
John S. Mitchell
Everett W. Long
George H. Grover
Frederick B. Hallock
Commissioners