

ORIGINAL

Decision No. 66058

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN W. BUFORD,

Complainant,

vs

THE PACIFIC TELEPHONE and TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7622

J. T. Forno, by Arthur Lewis, for complainant.
Lawler, Felix & HALL, by John M. Maller, for
defendant.

Roger Arnebergh, City Attorney, by Frank D. Wagner,
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 2410-1/2 Hope Street, Huntington Park, California. Interim
restoration was ordered pending further order (Decision
No. 65411).

Defendant's answer alleges that on or about May 9,
1963, it had reasonable cause to believe that service to
John W. Buford under number LU 9-3020 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 re-
quired 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 letter of May 8, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number LU 93020 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 has worked for the Southern Pacific Railroad since December 7, 1957, and that his wife is manager of an apartment house and is under care of a doctor; that complainant suffers from kidney and gall bladder trouble and that telephone service is essential. Complainant testified that he did not place bets over the telephone; that he was arrested and his trial has not as yet been held.

Complainant further testified that he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of any law enforcement agency.

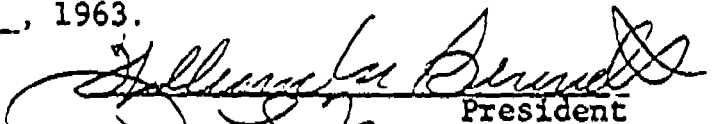
We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. The Commission concludes that complainant is entitled to restoration of service.

O R D E R


IT IS ORDERED that Decision No. 65411, 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.



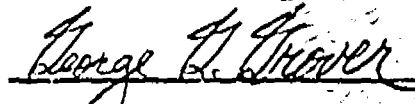
President




Commissioner



Commissioner



Commissioner



Commissioner