

ORIGINAL

Decision No. 66063

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR E. DROUGHT,)
 Complainant,)
 vs.)
 THE PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY, a)
 corporation,)
 Defendant.)

Case No. 7659

Arthur E. Drought, in propria persona.
Lawler, Felix & Hall by A. J. Krappman, Jr.,
 for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 114 North Belmont Street, Glendale 6, California. Interim restoration was ordered pending further order (Decision No. 65697).

Defendant's answer alleges that on or about June 13, 1961, it had reasonable cause to believe that service to Arthur E. Drought under number Citrus 4-4928 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 letters of June 26 and July 5, 1961, the Chief of Police of the City of Glendale advised defendant that the telephone under number Citrus 4-4928 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 & 2).

Complainant testified that he did not have a telephone for two years after the disconnection; that no charges were filed by the police department against complainant or his son and that his telephone was not used for bookmaking.

Complainant further testified that he has a wife who is ill and that he has great need for telephone service, and 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.

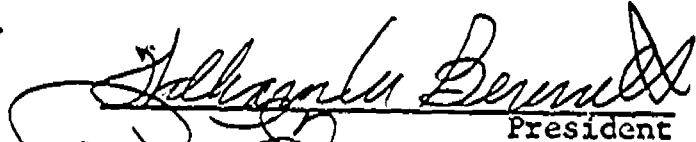
We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. The Commission concludes, therefore, that complainant is entitled to restoration of service.

O R D E R

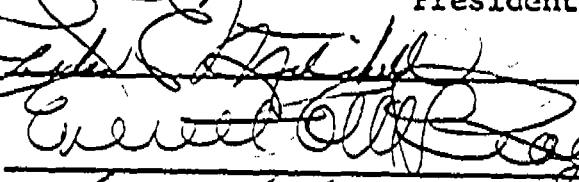
IT IS ORDERED that Decision No. 65697, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

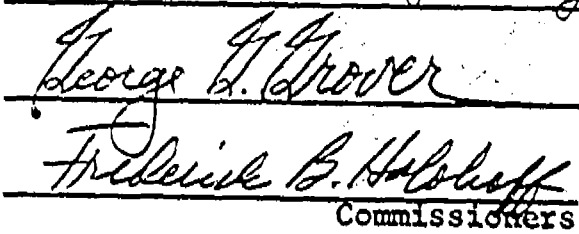
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of SEPTEMBER, 1963.



President





Commissioners