

ORIGINAL

Decision No. 66523

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROY MORROW,  
 Complainant,  
 vs.  
 THE PACIFIC TELEPHONE AND  
 TELEGRAPH COMPANY, a  
 corporation,  
 Defendant.

Case No. 7635  
 (Filed May 27, 1963)

Frank P. Rosen, for complainant.  
Lawler, Felix & Hall, by John M. Malier,  
 for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 10809 East Valley Boulevard, El Monte, California. Interim restoration was ordered pending further order (Decision No. 65507).

Defendant's answer alleges that on or about May 16, 1963, it had reasonable cause to believe that service to Roy Morrow under numbers GI 8-2728 and GI 8-5334 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 the services pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWcif at Los Angeles on November 18, 1963.

By letter of May 14, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephones under numbers GI 8-2728 and GI 8-5334 were 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 and operator of a restaurant, coffee shop and cocktail lounge on Valley Boulevard in El Monte and that telephone service is necessary in the conduct of said business for the purpose of receiving reservations in the banquet rooms and ordering supplies. Complainant further testified that a part-time employee was arrested on his premises and his telephones were removed while he was absent from the premises, but that he has never consented to any illegal use of the telephones and had no knowledge that same was being done.

Complainant further testified that he has great need for telephone service, and he did not and will not use or permit the use of 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.

Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65507, 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 21<sup>st</sup> day of DECEMBER, 1963.

William W. Bennett  
 President

George H. Grover

Friedrich B. Holoboff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.