

ORIGINAL

Decision No. 66527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HUBERT LE ROY MARCIA,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7696

(Filed August 28, 1963)

Hubert Le Roy Marcia, in propria
persona.
Lawler, Felix, & Hall, by John M.
Maller, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 9815 Garvey Boulevard, El Monte, California. Interim restoration was ordered pending further order (Decision No. 65968).

Defendant's answer alleges that on or about August 5, 1963, it had reasonable cause to believe that service to Hubert Le Roy Marcia, under number GI 8-4304 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 November 18, 1963.

By letter of August 2, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 448-4304 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 his wife is suffering from a serious heart condition, and it is necessary that she have available telephone service to contact her husband and doctor at all times.

Complainant further testified that no criminal charges were filed or are pending against him and that he has great need for telephone service, and 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. Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 65968, 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 27th day of DECEMBER, 1968.

William L. Bennett
President

George T. Trover
Frederick B. Halshoff

Commissioners

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