

66603

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALLEN B. BLETZ,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 7666
Filed July 17, 1963

S. Oliver Bletz, 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 9601 Wilshire Boulevard, Beverly Hills, California. Interim restoration was ordered pending further order (Decision No. 65767).

Defendant's answer alleges that on or about June 21, 1963, it had reasonable cause to believe that service to Allen B. Bletz & Co. under numbers CR 4-4495, 272-6573 and 272-6574 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 December 3, 1963.

By letter of June 18, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephones under number BR 2-6573, BR 2-6574 and CR 4-4495 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 3).

Defendant notified the subscriber of disconnection (Exhibit 1). Complainant requested reconnection of telephone service (Exhibit 2).

Complainant testified he used the telephones at this address solely and exclusively in the brokerage business and has never given permission to anyone to use the phones for any other purpose.

Complainant further testified that all of said telephone service is essential to the operation of his stock brokerage business and that he has great need for telephone service, and that he did not and will not use the telephone for any unlawful purpose. Complainant testified that he has moved his stock brokerage business to the address first above set forth.

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.

ORDER

IT IS ORDERED that Decision No. 65767, 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 14th day of JANUARY, 1964.

Dallan M. Bennett
 President

Carl E. [unclear]

George T. Hoover

Fredrick B. Hallock
 Commissioners