

ORIGINAL

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Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLIFFORD FERNEAU, AND  
BESSIE FERNEAU,

Complainants,

-vs-

GENERAL TELEPHONE CO., a corporation,

Defendant.

Case No. 7726

Clifford Ferneau, in propria persona, for  
complainants.

Albert M. Hart, H. Ralph Snyder, Jr., and  
Donald J. Duckett, by Donald J. Duckett,  
for defendant.

O P I N I O N

Complainants seek restoration of telephone service at 11757 Graystone Avenue, Norwalk, California. Interim restoration was ordered pending further order (Decision No. 66085).

Defendant's answer alleges that on or about November 6, 1961, it had reasonable cause to believe that service to Clifford F. Ferneau under number University 4-8414 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 December 13, 1963.

By letter of October 28, 1961, the Sheriff of the County of Los Angeles advised defendant that the telephone under number UN 4-8414 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the Answer of defendant on file.

Complainant Clifford Ferneau testified that he is in construction work and needs a telephone as his work location changes frequently as he goes to different jobs and all instructions are given on the telephone.

Complainant Clifford Ferneau further testified that he has not had a telephone for 22 months, he has great need for telephone service, he did not and will not use the telephone for any unlawful purpose, and that Bessie Ferneau was not the subscriber and no installation is requested in her name.

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.

O R D E R

IT IS ORDERED that Decision No. 66085, temporarily restoring service to complainant Clifford Ferneau 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 14<sup>th</sup> day of JANUARY, 1964.

William W. Bennett  
President

[Signature]  
[Signature]

George T. Trover

Fredrick B. Hallock  
Commissioners