

ORIGINAL

Decision No. 66650

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT D. TORTORICE,
Complainant,

vs.

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,
Defendant.

Case No. 7743

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

O P I N I O N

Complainant seeks restoration of telephone service at 18666 Cancla, La Puente, California. Interim restoration was ordered pending further order (Decision No. 66217).

Defendant's answer alleges that on or about July 22, 1963, it had reasonable cause to believe that service to Robert D. Tortorice, under number 964-1984 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 July 22, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 964 1984 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 testified that his wife was arrested and charged with bookmaking, but was found not guilty. Complainant testified that he has three minor children, one of whom is recovering from polio and that he has urgent need for telephone service.

Complainant further testified that he has suffered great inconvenience because of the disconnection of his telephone for over three months 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.

O R D E R

IT IS ORDERED that Decision No. 66217, 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 17th day of JANUARY, 1964.

Hallam L. Bennett
President

George L. Mitchell

Wesley W. Page

George T. Hoover

Fredrick B. Holshoff
Commissioners