

ORIGINAL

Decision No. 66815

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES D. CARTER,)
 Complainant,)
 vs.)
 PACIFIC TELEPHONE, a)
 corporation,)
 Defendant.)

Case No. 7779

Max Solomon, 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 3161 Aintree Lane, Los Angeles 23, California. Interim restoration was ordered pending further order (Decision No. 66362).

Defendant's answer alleges that on or about November 4, 1963, it had reasonable cause to believe that service to Marian M. Carter under number AN 9-0829 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 January 15, 1964.

By letter of October 31, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AN 90829 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 he is now employed as a truck driver for Manning's Bakery and works on the graveyard shift. Complainant further testified that telephone service is essential for his family of wife and four children, ages 3 to 10 years, especially because of the illness (diabetes) of his oldest child and the need to keep in touch with a doctor; that the criminal charges against him were dismissed; 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 service.

O R D E R

IT IS ORDERED that Decision No. 66362, temporarily restoring service to complainant, is amended to show that it

is for the installation of new service and, as such, that it be 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 18th day of February, 1964.

Hallam C. Bennett
President

John E. ...

... ..

George T. ...

Frederick B. Hallock
Commissioners