

ORIGINAL

Decision No. 66852

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JIM GARCIA,

Complainant,

-vs-

Case No. 7766

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 129 West 121st Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66314).

Defendant's answer alleges that on or about October 14, 1963, it had reasonable cause to believe that service to Jim Garcia under number 756-8890 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 17, 1964.

By letter of October 11, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 756-8890 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 employed by the United States Postoffice at the Terminal Annex, Los Angeles, and that he also has rental property to supervise and the use of a telephone is necessary in connection therewith.

Complainant further testified that he has no knowledge of any illegal use of his telephone 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. 66314, 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 25th day of February, 1964.

Dallin La Bennett
President

W. C. [unclear]

W. C. [unclear]

George G. Grover

Frederic B. Halloff
Commissioners