

ORIGINAL

Decision No. 67015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM WALLACE DAVIS,

Complainant,

vs.

GENERAL TELEPHONE COMPANY,
a Corporation,

Defendant.

Case No. 7807

Saul J. Bernard, for complainant.
A. M. Hart and Donald J. Duckett, by
Donald J. Duckett, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 10710 East Whittier Boulevard, Whittier, California. Interim restoration was ordered January 7, 1964, pending further order (Decision No. 66567).

Defendant's answer alleges that on or about July 29, 1963, it had reasonable cause to believe that service to Half Way Social Club, 10710 E. Whittier Boulevard, Whittier, California, under number OK 2-3138 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 February 26, 1964.

By letters of July 23, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under numbers OX 9-9307 and OX 2-3138 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2). Defendant notified the subscriber of disconnection (Exhibit 3). Exhibits 1, 2 and 3 are attached to the defendant's answer on file.

Complainant testified that he has had telephone service at this address for the past thirteen years and operates a business open to the public for sale of beer, soft drinks, and sandwiches, and has pool and snooker tables for public use. Complainant further testified that he was arrested and acquitted on a charge of bookmaking and that he has never been convicted of such a charge and that none of his customers have been convicted of bookmaking done at his premises. Complainant further testified that no bookmaking equipment of any kind was found on his premises.

Complainant testified that telephone service is essential to operate his business and to secure supplies, and 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. 66567, 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 31st day of MARCH, 1964.

Paul E. Hatch President

Wesley B. Rogers

George A. Thayer

Fredrick B. Hobloff Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.