

ORIGINAL

Decision No. 67383

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAT DESMOND,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 7851

Pat Desmond, in propria persona.
Lawler, Felix & Hall, by John M. Mailer,
for defendant.
Roger Arnebergh, City Attorney, by James
Henry Kline, for the Police Department
of the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 6309 Cahuenga Boulevard, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 66914, dated March 10, 1964).

Defendant's answer alleges that on or about February 12, 1964, it had reasonable cause to believe that service to Pat Desmond under number 763-3630 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 dis-

connect 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 May 6, 1964.

By letter of February 10, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PO 3 3630 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 on social security; he is over 72 years of age; he needs a telephone for medical reasons and to communicate with two sons who are married; there is no bookmaking at his place; he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of 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.

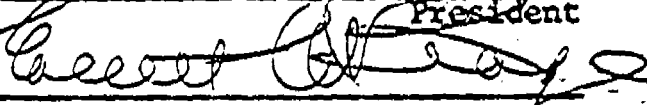
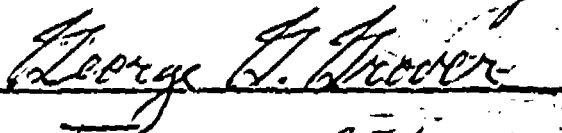
Complainant is entitled to restoration of service.


O R D E R

IT IS ORDERED that Decision No. 66914, dated March 10, 1964, 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 16th day of June, California.


 _____ President




Commissioners

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

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.