

ORIGINAL

Decision No. 67650

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWARD JULES CASTINE, SR.,  
Complainant,

vs.

Case No. 7879

THE GENERAL TELEPHONE COMPANY  
a Corporation of California,  
Defendant.

Edward Jules Castine, in propria persona.  
A. M. Hart and Donald J. Duckett, by  
Donald J. Duckett, for General Telephone  
Company of California, defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 708 South Broadway, Redondo Beach, California. Interim restoration was ordered pending further order (Decision No. 67189, dated May 12, 1964).

Defendant's answer alleges that on or about September 12, 1963, it had reasonable cause to believe that service to Marion Castine, under number FR 4-5057 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 June 23, 1964.

By letter of September 12, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number FR 45057 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.

Complainant testified that he has three children, one of whom is in the Coast Guard, and a mother-in-law over 83 years of age who needs his assistance for medical reasons and the telephone service is also needed in his work.

Complainant testified 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. 67189, dated May 12, 1964, 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 4<sup>th</sup> day of August, 1964.

Fredrick B. Holdich  
President  
George H. Hoover

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Commissioners

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

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