

ORIGINAL

Decision No. 67651

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARJORIE AIELLO and MICHAEL AIELLO,
Complainants,

Case No. 7883

vs.

THE GENERAL TELEPHONE COMPANY,
Defendant.

Michael Aiello, in propria persona,
and for complainant Marjorie Aiello.
Donald J. Duckett, for defendant.

O P I N I O N

Complainants seek restoration of telephone service at 6380 Foothill Boulevard, Tujunga, California. Interim restoration was ordered pending further order (Decision No. 67190 dated May 12, 1964).

Defendant's answer alleges that on or about August 13, 1963, defendant's predecessor, Sunland-Tujunga Telephone Company had reasonable cause to believe that service to Michael Aiello under number 353-9948 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 August 13, 1963, the Chief of Police of the City of Los Angeles advised defendant's predecessor that the telephone under number 353-9948 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). Said Exhibits 1 and 2 are attached to defendant's answer on file herein.

Complainant Michael Aiello testified that his telephone was disconnected August 23, 1963, and was disconnected for ten months until reconnection on June 22, 1964.

Counsel for the telephone company stated that the delay of reconnection was caused by failure of complainant to file an application with the service department of the telephone company.

Complainant further testified that he uses said telephone service to order supplies for his business known as the Brite Spot, a bar, and he has great need for said 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. 67190 dated May 12, 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 4th day of August, 1964.

Fredrick B. Holdhoff
 President

George H. Hoover

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.