

ORIGINAL

Decision No. 67758

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HING GOON WONG,
Complainant,

vs

PACIFIC TELEPHONE
AND TELEGRAPH,
a Corporation,
Defendant.

Case No. 7908

Edward P. George, for complainant.
Lawler, Felix & Hall, by Robert C. Coppe, for defendant.
Roger Arnebergh, City Attorney, by James H. 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 5043 Huntington Drive, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67294, dated June 3, 1964).

Defendant's answer alleges that on or about March 24, 1964, it had reasonable cause to believe that service to Hing Goon Wong, under number Capitol 5-3423 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 July 16, 1964.

By letter of March 23, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number CA 5 3423 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 lost business when his telephone was disconnected; that his helper, who is not related to him, Sam Ying Wong, works in the laundry pressing shirts when complainant is out picking up laundry, and he does not know of any unlawful use of his telephone.

Complainant further testified that 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. 67294, dated June 3, 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 25th day of AUGUST 1, 1964.

Frederick A. Hohlhoff
President
Robert M. Fazio
George T. Hoover
William A. Beards
Commissioners