

ORIGINAL

Decision No. 67964

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JIMMY WONG,

Complainant

vs.

Case No. 7928

PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a Corporation,

Defendant.

Edward P. George, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.
Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Depart-
ment of the City of Los Angeles,
intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 935 Sun Mun Way, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67450, dated June 30, 1964).

Defendant's answer alleges that on or about March 24, 1964, it had reasonable cause to believe that service to Jimmy Wong, under number 625-8311 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 August 13, 1964.

By letter of March 23, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number MA 5-8311 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 president of a non-profit social club called Soon Suey Club; that he keeps the telephone for use of the club; and that he has no knowledge of any unlawful use of the phone by any member, although one was arrested.

Complainant further testified that he does not permit the phone to be used for bookmaking; that he has great need for telephone service; and that 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. 67450, dated June 30, 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 6th day of OCTOBER, 1964.

Fredrick B. Hallock
President

George T. Crowe

William A. Bennett

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.