

ORIGINALDecision No. 67965

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BOOKER ELLIS,

Complainant,

vs.

Case No. 7870

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a Corporation,

Defendant.

Booker Ellis, in propria persona.
Lawler, Felix & Hall, by Robert O. Coppo,
 for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1182 West 38th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67045, dated April 7, 1964).

Defendant's answer alleges that on or about February 26, 1964, it had reasonable cause to believe that service to Booker Ellis, under number 731-6469 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 May 22, 1964, and the submission was set aside and

reopened for further hearing on July 14, 1964, and the matter was further heard and submitted before Examiner DeWolf at Los Angeles on August 18, 1964.

By letter of February 24, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number RE 16469 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), which was admitted in evidence as Exhibit No. 1 on May 22, 1964.

Complainant testified that he is a construction worker and uses a telephone to locate the jobs where his work requires him to go from time to time; that telephone service is essential for this purpose; that he does not do any bookmaking or have any knowledge of it; and that he did not know that anyone was using his phone for that purpose.

Complainant further testified that he is very careful with his telephone and does not allow anyone to use it 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.

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.

ORDER

IT IS ORDERED that Decision No. 67045, dated April 7, 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.

Frederick B. Hallock
President
George T. Brewer
William A. Bennett

Commissioners

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