

ORIGINAL

Decision No. 68215

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES GEORGE RONIS,
Complainant,

vs.

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
Corporation,

Defendant.

Case No. 7873

Max J. Wiza, for complainant.
Gray, Cary, Ames & Frye, by Richard A. Burt,
for defendant.
Charles R. Schilder, San Diego Police Department,
intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 3212 Freeman Street, San Diego, California. Interim restoration was ordered pending further order (Decision No. 67103, dated April 21, 1964).

Defendant's answer alleges that on or about March 23, 1964, it had reasonable cause to believe that service to James George Ronis, under number 298-2395, 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 San Diego, California, on September 16, 1964.

By letter of March 19, 1964, the Chief of Police of the City of San Diego advised defendant that the telephone under number CY 8-2395 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 married and has four children; his sole income and support is from the operation of two liquor stores and telephone service is essential for taking orders and the operation of the business. Complainant testified that he was arrested and charged with four counts of violation of Section 337a of the Penal Code, three of these were dismissed and he entered a plea of nolo contendere to the fourth count and is presently reporting to the probation officer.

Complainant further testified that during the time the telephone was disconnected he suffered loss of business and income; he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A police officer 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. 67103, dated April 21, 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 10th day of NOVEMBER, 1964.

Frederick P. Hallock
President
John E. Hallock

Edison
George L. Thayer
William M. Bennett
Commissioners