

ORIGINAL

Decision No. 68225

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LE ROY J. LAWYER,

Complainant,

vs.

Case No. 7961

PACIFIC TELEPHONE COMPANY,  
a Corporation,

Defendant.

LeRoy J. Lawyer, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 22513 Berdon Street, Woodland Hills, California. Interim restoration was ordered pending further order (Decision No. 67680, dated August 11, 1964).

Defendant's answer alleges that on or about June 3, 1964, it had reasonable cause to believe that service to James E. Berger, under number 347-3334 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 October 19, 1964.

By letters of June 2 and 18, 1964; the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DI 7-3334 was being, or would be, used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that he is a police officer at San Fernando, California, and that his wife is suffering a kidney disease which requires medical care and that his father-in-law has a heart condition which has become very serious so that telephone service is necessary at the home of complainant.

Complainant further testified that he has no knowledge of any bookmaking at said premises and that he has taken steps to prevent the use of the telephone for any unlawful activity.

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.

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 service.

O R D E R

IT IS ORDERED that Decision No. 67680, dated August 11, 1964, temporarily restoring service to complainant, is amended to

show that it is for the installation of new service and, as such, that it 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 17<sup>th</sup> day of NOVEMBER, 1964.

Fredrick P. Holbeart  
President  
John E. Hutchins  
Curtis W. Pugh  
George H. Trover  
William W. Bennett  
Commissioners