

ORIGINAL

Decision No. 68340

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GLEN H. KIDD,

Complainant,

vs.

PACIFIC TELEPHONE, a
corporation,

Defendant.

Case No. 8000

Max Solomon, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2553 Tamora, El Monte, California. Interim restoration was ordered pending further order (Decision No. 67835, dated September 15, 1964).

Defendant's answer alleges that on or about May 14, 1964, it had reasonable cause to believe that service to Glen H. Kidd, under number 443-2493 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 29, 1964.

By letter of May 12, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 443-2493 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 retired, and a semi-invalid, over 67 years of age, presently under a doctor's care for an ulcer and needs telephone service to call for medical aid. Complainant testified that he did not do any bookmaking and that removal of his telephone has caused him severe hardship.

Complainant further testified that no criminal charges are pending against him and 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.

O R D E R

IT IS ORDERED that Decision No. 67835, dated September 15, 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 15th day of DECEMBER, 1964.

Fredrick B. Halliday
President
George E. Hoover
William A. Blinn
Commissioners