

ORIGINAL

Decision No. 68609

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DEAN TYLER ROBINSON, also
known as TYLER ROBINSON,

Complainant,

vs.

Case No. 8033

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Joseph Lewis, for complainant.
Lawler, Felix & Hall, by Robert Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 126 South Belmont Street, Glendale 5, California. Interim restoration was ordered pending further order (Decision No. 68072, dated October 20, 1964).

Defendant's answer alleges that on or about May 27, 1964, it had reasonable cause to believe that service to Tyler Robinson, under number 242-0940 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, California, on December 15, 1964.

By letter of May 22, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 242 0940 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 employed at the U. S. Post Office as a clerk; that his family includes a child twelve years of age; that he has need of telephone service for business and family purposes; that his telephone was disconnected for five months; and that he lost rents on a building he owns and was otherwise greatly inconvenienced.

Complainant further testified 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 that the evidence fails to show the telephone was used for any illegal purpose. Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 68072, dated October 20, 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 16th day of FEBRUARY, 1965.

Fredrick B. Holcomb
President

John D. Fisher

George H. Hoover

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William J. ...
Commissioners