

ORIGINAL

Decision No. 68674

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BILL BARBEE,

Complainant,

vs.

Case No. 7774

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Joseph T. Forno, 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 11821 Medina Drive, Garden Grove, California. Interim restoration was ordered pending further order (Decision No. 66325, dated November 19, 1963).

Defendant's answer alleges that on or about September 7, 1963, it had reasonable cause to believe that service to Bill Barbee, under number 539-6916 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 January 18, 1965, subject to the filing of

late-filed Exhibit No. 1, which was filed January 21, 1965.

By letter of September 10, 1963, the District Attorney of the County of Orange advised defendant that the telephone under number 539-6916 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Late-filed Exhibit No. 1).

Complainant testified that he is employed in Los Angeles in laying hardwood flooring, and that he needs telephone service to secure employment and contact the different jobs and places of employment.

Complainant further testified that his telephone was disconnected for almost two and one-half months; 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 that the evidence fails to show that the telephone was used for any illegal purpose. We conclude that complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66325, dated November 19, 1963, 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 Los Angeles, California, this 2<sup>nd</sup> day of MARCH, 1965.

Fredrick B. Holbrook  
President  
John J. Mitchell  
George E. Trover  
Augustine  
William B. Beards  
Commissioners