

ORIGINAL

Decision No. 68676

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GUY CALE,

Complainant,

vs.

Case No. 7963

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 7548-1/2 Santa Monica Boulevard, Apartment 1, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67681, dated August 11, 1964).

Defendant's answer alleges that on or about June 26, 1964, it had reasonable cause to believe that service to Guy Cale, under number 876-2160 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.

By letter of June 24, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under numbers 876-2160, 876-2161, 876-2162, 876-2163, 876-2164, 876-2165, 876-2166, and 876-2167 were 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 the owner and operator of a sports information service; the facilities are necessary in connection therewith to disseminate information concerning race results, scratches and payoffs on horse races run throughout the United States, the same as published in the newspapers and sent over the radio.

Complainant further testified that he was not arrested; 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 67681, dated August 11, 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 Los Angeles, California, this 2<sup>nd</sup> day of MARCH, 1965.

Fredrick B. Hildebrand  
President

Paul J. DeWitt

George T. Crover

Augustine

William D. DeWitt  
Commissioners