

ORIGINAL

Decision No. 68677

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GLENN G. HUBBS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7965

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 7548½ Santa Monica Blvd., Apt. 1, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67682, dated August 11, 1964).

Defendant's answer alleges that on or about June 26, 1964, it had reasonable cause to believe that service to Glenn G. Hubbs, under number 876-0567, 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 number 876-0567 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 by Guy Cale Enterprises at said address; said telephone is used in the business of disseminating information concerning race results, scratches and payoffs on horse races run throughout the United States, and such information is as published in the Sports Section of newspapers and broadcast over the radio.

Complainant further testified that he was not arrested or charged with violation of any law in connection with the use of said telephone; 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. 67682, 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 2nd day of MARCH, 1965.

Frederick B. Hallock
President

Arthur E. Mitchell

George J. Trover

Augustin

William W. Dennis
Commissioners