

**ORIGINAL**

Decision No. 68795

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Gary C. Speare, dba Little Hawaii,

Complainant,

vs.

The Pacific Telephone  
and Telegraph Company,  
a corporation,

Defendant.

Case No. 8094

Gary C. Speare, in propria persona.  
Lawler, Felix & Hall, by A. J.  
Krappman, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 3101 West 8th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68490), dated January 19, 1965.

Defendant's answer alleges that on or about July 23, 1964, it had reasonable cause to believe that service to Gary C. Speare, under number 384-2687 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 February 15, 1965.

By letter of July 23, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number

384-2687 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 owner and operator of a bar and restaurant; he needs telephone service in the operation of his business; there are no charges filed against him for bookmaking and none are pending; 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.

ORDER

IT IS ORDERED that Decision No. 68490, dated January 19, 1965, 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 30<sup>th</sup> day of MARCH, 1965.

Fredrick B. Holshoff  
President

John E. ...

George H. Hoover

...

William L. ...  
Commissioners