

ORIGINAL

Decision No. 68833

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALFRED BIANCHI, dba
FRED'S RICHFIELD,
Complainant,

vs.

Case No. 8046

THE GENERAL TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,
Defendant.)

Brown & Cianchetti, by Waldo A. Brown,
for complainant.

Albert M. Hart, H. Ralph Snyder, Jr., and
Donald J. Duckett, by Paul A. Raymond,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 500 West Arrow Highway, Covina, California. Interim restoration was ordered pending further order (Decision No. 68195, dated November 10, 1964).

Defendant's answer alleges that on or about October 2, 1964, it had reasonable cause to believe that service to Fred's Richfield Service Station, under number 332-9231, 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 February 23, 1965.

By letter of September 30, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number

332-9231 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the Answer of defendant on file herein.

Complainant testified that he is the owner and operator of a gasoline service station and requires the semipublic pay station telephone for use in his business; that he was not accused of using the telephone in any unlawful activities; and that there are no pending charges against him.

Complainant further testified that 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. 68195, dated November 10, 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 30th day of MARCH, 1965.

Fredrick B. Hallock
President
George T. Crowe
William L. Bernard
Commissioners