

ORIGINAL

Decision No. 68842

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

David L. Tiller,

Complainant,

vs.

California Water & Telephone Co.,
a corporation,

Defendant.

Case No. 8053
(Filed October 27, 1964)

David Leon Tiller, in propria persona.
Donald L. Hirt, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 524 East Foothill Boulevard, Monrovia, California. Interim restoration was ordered pending further order (Decision No. 68196, dated November 10, 1964).

Defendant's answer alleges that on or about August 8, 1964, it had reasonable cause to believe that service to David Leon Tiller, under number 359-2871, 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 25, 1965.

By letter of August 3, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 359-2871 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 in the refrigeration repair service, needs telephone service to make calls in his work, for emergency service, and to keep appointments at the location of repairs.

Complainant further testified that he needs the telephone to keep in touch with his family while working at various locations; 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. We conclude that complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 68196, 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 6th day of April, 1965.

Frederic B. Hallock
President

George A. Traver

Augustine

William L. Beards
Commissioners