

**ORIGINAL**

Decision No. 68867

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEON GASPARRO, doing business  
as LEON'S MARKET,

Complainant,

vs

PACIFIC TELEPHONE, a  
Corporation,

Defendant.

Case No. 8085

Max Solomon, 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 4992 Huntington Drive South, Los Angeles 32, California. Interim restoration was ordered pending further order (Decision No. 68421, dated January 5, 1965).

Defendant's answer alleges that on or about December 14, 1964, it had reasonable cause to believe that service to Leon Gasparro under number 222-5890 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 25, 1965.

By letter of December 11, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number CA 2 5890, plus one extension, 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 the owner and operator of a market for imported foods and requires telephone service in said business which is his only means of livelihood, and that the telephone was never used for bookmaking.

Complainant further testified that he has never been in trouble and 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.

ORDER

IT IS ORDERED that Decision No. 68421, dated January 5, 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 13<sup>th</sup> day of APRIL, 1965.

Frederick B. Holbrook  
President

George H. Hoover

Augustor

William L. Bennett  
Commissioners