

ORIGINAL

Decision No. 68911

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

J. Kenneth Thomas

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
CORPORATION,

Defendant.

Case No. 8062

John Kenneth Thomas, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Department
of the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 11616 Tuxford Street, Sun Valley, California. Interim restoration was ordered pending further order (Decision No. 68247, dated November 24, 1964).

Defendant's answer alleges that on or about June 30, 1964, it had reasonable cause to believe that service to J. Kenneth Thomas under number 767-9644 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 June 27, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 767-9644, furnished to Queenie's Teenie Weenie Tavern, 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 operates a take out restaurant and needs telephone service for receiving orders and securing supplies and that the business is the sole means of support of himself and his family.

Complainant further testified that he has no knowledge of any illegal activities being conducted over his telephone; he has great need for telephone service; and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, and a police officer testified but gave no evidence of any illegal use of the complainant's telephone.

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. 68247, dated November 24, 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 20th day of April, 1965.

Frederick B. Holshoff
President

George T. Hoover

Auguston

William B. Bennett
Commissioners