

ORIGINAL

Decision No. 69160

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM A. BELLINI,
Complainant,

vs.

PACIFIC TELEPHONE COMPANY OF
CALIFORNIA, a corporation,
Defendant.

Case No. 8134

William A. Bellini, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1215 E. Rosecrans, Compton, California. Interim restoration was ordered pending further order (Decision No. 68701, dated March 9, 1965).

Defendant's answer alleges that on or about March 11, 1965, it had reasonable cause to believe that service to Lloyd's Cleaners, under number 631-6216, 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 April 13, 1965.

By letter of March 9, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number NE 1-6216 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 dry cleaning business with 18 branches and employs about 40 people, and needs telephone service to operate such business; that he does not permit his telephone to be used for bookmaking or any unlawful activity, and has no knowledge of any unlawful activity in the use of his telephone; 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. 68701, dated March 9, 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 10th day of June, 1965.

Frederick B. Holcomb
President
George F. Weaver
Morgan
William L. Bess
Commissioners