

ORIGINALDecision No. 69630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT MOSLEY,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 8147

Robert J. Mosley, 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 305 West 93rd Street, Apartment 6, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68785, dated March 30, 1965).

Defendant's answer alleges that on or about March 19, 1965, it had reasonable cause to believe that service to Robert J. Mosley, under number 757-4670, 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 July 22, 1965.

By letter of March 17, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 74670 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 earns a living doing odd jobs; that telephone service is necessary in order for him to obtain such work; and that he is unable to obtain a steady job because of his physical condition.

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. 68785, dated March 30, 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 31st day of August, 1965.

George E. Hoover
 President

George E. Hoover

Augustin

 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

I dissent as set forth in my opinion in Order of Rev. C. 7784, Dec. 69510.

This case clearly shows the violation of constitutional rights which the "broker" procedure permits.

William L. ...