

ORIGINAL

Decision No. 69664

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALEXANDER LESHKEVICH,

Complainant,

Case No. 8153

vs

PACIFIC TELEPHONE COMPANY OF CALIFORNIA, a corporation,

Defendant.

Alexander Leshkevich, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppe,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2513 Hope Street, Huntington Park, California. Interim restoration was ordered pending further order (Decision No. 68840, dated April 6, 1965).

Defendant's answer alleges that on or about March 12, 1965, it had reasonable cause to believe that service to Al Leshkevich, under number 585-2215, 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 11, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number LU 5-2215 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 has moved to 15444 Cabrillo Road, Van Nuys, California, has need for telephone service to keep in touch with his aged parents who are in poor health, and desires to have said telephone service restored to the above-mentioned address.

Complainant further testified that he has no knowledge of any unlawful use of his telephone, 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 service at his new address.

O R D E R

IT IS ORDERED that Decision No. 68840, dated April 6, 1965, temporarily restoring service to complainant, is amended

to show complainant's new address at 15444 Cabrito Road, Van Nuys, California, and that it is for the installation of new service and, as such, that it 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 Los Angeles, California, this 14th day of SEPTEMBER, 1965.

Fredrick B. Halchoff
 President

City of Los Angeles

George G. Hoover

Augustine

Commissioners

*I dissent. See my
 views in C. 778ff, Dec. 69516
 Sullivan Co. Council*