

ORIGINAL

Decision No. 69739

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STANLEY B. MEDLICOTT,
 Complainant,
 vs.
 GENERAL TELEPHONE COMPANY OF
 CALIFORNIA, a corporation,
 Defendant.

Case No. 8211

Walter L. Kroneberger, Jr., for complainant.
 Albert M. Hart, H. Ralph Snyder, Jr., and
 Donald J. Duckett, by Paul A. Raymond, for
 defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 915 Duncan Avenue, Manhattan Beach, California. Interim restoration was ordered pending further order (Decision No. 69355, dated July 7, 1965).

Defendant's answer alleges that on or about June 9, 1965, it had reasonable cause to believe that service at 915 Duncan Avenue, Manhattan Beach, California, under number FR 4-8600, 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 August 23, 1965.

By letter of June 9, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number FR 4-8600 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to defendant's answer on file herein.

Complainant testified that there are no pending charges against him; he was not arrested in connection with the disconnection of his telephone; he uses the telephone in his business as a plumber, and he has two daughters in school.

Complainant further testified that said telephone service is necessary for the welfare of his family, 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. 69355, dated July 7, 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 28th day of SEPTEMBER, 1965.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Fredrick B. Hollhoff
President
Augusto
J. H. Be...
Commissioners