

ORIGINAL

Decision No. 69791

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARL R. RASMUSSEN,
Complainant,

vs.

THE PACIFIC TELEPHONE and
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 8174

Forno and Lewis by A. Lewis, for complainant.
Lawler, Felix and Hall, by Robert C. Coppo, for
defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 556 West 108th Street, Los Angeles, 44, California. Interim restoration was ordered pending further order (Decision No. 69112, dated May 25, 1965).

Defendant's answer alleges that on or about April 23, 1965, it had reasonable cause to believe that service to Carl R. Rasmusson, under number 756-6268, 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 September 13, 1965.

By letter of April 22, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 66268 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 had telephone service for 25 years and is employed in construction work and telephone service is necessary in carrying out his duties and getting to his work.

Complainant further testified that he was not arrested and has no pending charges against him and 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.

ORDER

IT IS ORDERED that Decision No. 69112, dated May 25, 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 13th day of OCTOBER, 1965.

Fredrick B. Halblum
President

George T. Hoover

Augusta

Commissioners

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

I dissent to this entire procedure. See my opinion in the Oshel case. J. Halblum (as directed)