

ORIGINAL

Decision No. 69844

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WAYNE LOWE,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY
OF CALIFORNIA, a corporation,

Defendant.

Case No. 8195

Burg and Farnham, by Philip A. Burg, for
complainant.

Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2952 Finch Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69263, dated June 22, 1965).

Defendant's answer alleges that on or about June 7, 1965, it had reasonable cause to believe that service to Wayne Lowe, under number 665-7350, 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 16, 1965.

By letter of June 3, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 665-7350 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 is engaged in the janitorial service business and uses the telephone at home to operate such business; that he has never allowed anyone to use the telephone for any unlawful purpose and all complaints by the Sheriff against parties residing in his home have been dismissed.

Complainant further testified that he was not charged with any violations of law at the time of removal of his telephone 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.

O R D E R

IT IS ORDERED that Decision No. 69263, dated June 22, 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 26th day of OCTOBER, 1965.

Fredrick B. Holdcroft
President

John E. Mitchell

George H. Hoover

Augustor

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.