

**ORIGINAL**

Decision No. 69845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH DREYER,

Complainant,

vs.

PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 8197

Allan A. Sigel, for complainant.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.  
Roger Arnebergh, City Attorney, by  
Michael T. Sauer, for the Police  
Department of the City of Los Angeles,  
intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 4425½ Lockwood Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69264, dated June 22, 1965).

Defendant's answer alleges that on or about May 12, 1965, it had reasonable cause to believe that service to Joseph Dreyer, under number 662-4396, 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 May 10, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number NO 2-4396 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 by occupation a painter and telephone service is essential in seeking work and to enable him to earn a living. Complainant testified that he was not arrested at the time of disconnection of his telephone and that all charges against his wife have been dismissed.

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.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of 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. 69264, 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. Holliff  
President  
John E. ...  
George E. ...  
Augustus ...  
Commissioners

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