

ORIGINAL

Decision No. 69921

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAT MONTE,

Complainant,

vs.

Case No. 8194

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Pat Monte, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppe,
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 22928 Cantara, Canoga Park, California. Interim restoration was ordered pending further order (Decision No. 69226, dated June 15, 1965).

Defendant's answer alleges that on or about September 8, 1964, it had reasonable cause to believe that service to Pat L. Monte, under number 340-3527, 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 October 7, 1965.

By letter of September 3, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 340 3527 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 six minor children and telephone service is essential to the welfare of his family.

Complainant further testified that he has no knowledge of any illegal use of his telephone; 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. 69226, dated June 15, 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 9th day of NOVEMBER, 1965.

Fredrick B. Haldeff
President

George E. [unclear]

George E. [unclear]

[unclear]

Commissioners

*Admitted as set
out in [unclear]
H. W. [unclear]*