

ORIGINAL

Decision No. 69985

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARLES JOHN ELLIS,
Complainant,

Case No. 8223

vs.

PACIFIC TELEPHONE COMPANY,
a Corporation,

Defendant.

Antonio E. Chavez, 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 1901 South Pacific Avenue, San Pedro, California. Interim restoration was ordered pending further order (Decision No. 69417, dated July 21, 1965).

Defendant's answer alleges that on or about May 24, 1965, it had reasonable cause to believe that service to Charly Ellis, under number 832-9468, 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 May 21, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number TE 2-9468 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 the operator of a restaurant at the above address; that a substantial part of the business is conducted on the telephone for take-out orders and telephone service is essential to operation of the business.

Complainant further testified that he knows of no illegal use of the telephone; that he has great need for telephone service, and that 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.



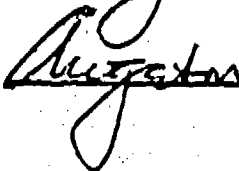
Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 69417, dated July 21, 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 23rd day of NOVEMBER, 1965.

	President
	
	
	Commissioners

*Indorsement for [unclear]
William M. Bennett*

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.