

**ORIGINAL**

Decision No. 69986

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOUIS D. STEWART,  
Complainant,

vs.

Case No. 8227

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,  
Defendant.

Louis D. Stewart, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo, for  
defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 3828 Arlington Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69437, dated July 27, 1965).

Complainant alleges in his complaint that on or about July 15, 1965, his telephone facilities were removed and disconnected pursuant to instructions from the office of the Los Angeles County Sheriff.

Defendant's answer alleges that on or about August 6, 1965, it had reasonable cause to believe that service to Louis D. Stewart, under number 295-1049, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and that defendant having reasonable cause was, but for receipt of the order granting interim relief, 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 August 6, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AX 5-1049 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 employed as a cement finisher by three different contractors and depends upon the use of his telephone to maintain his employment; that complainant's wife is a diabetic and suffers from heart trouble and needs the telephone to summon or communicate with her doctor.

Complainant further testified that he has no knowledge of any unlawful use of the telephone; 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.

O R D E R

IT IS ORDERED that Decision No. 69437, dated July 27, 1965, temporarily restoring service to complainant, is made

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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 23<sup>rd</sup> day of NOVEMBER, 1965.

*[Signature]* President

*George H. Hoover*

*[Signature]*

Commissioners

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

*I dissent from the order*  
*William B. DeWitt*