

**ORIGINAL**

Decision No. 69987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RUSH SPINKS,

Complainant,

vs.

Case No. 8230

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Rush Spinks, 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 2503 Lincoln Avenue, Altadena, California. Interim restoration was ordered pending further order (Decision No. 69486, dated August 3, 1965).

Defendant's answer alleges that on or about March 10, 1965, it had reasonable cause to believe that service to Rush Spinks, under number 797-8484, 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 March 8, 1965, the Chief of Police of the City of Pasadena advised defendant that the telephone under number 797-8484 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 operating a janitorial service and needs a telephone to contact his customers; that his family consists of two boys who are in school and that telephone service is necessary for the health and welfare of his family.

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.

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.

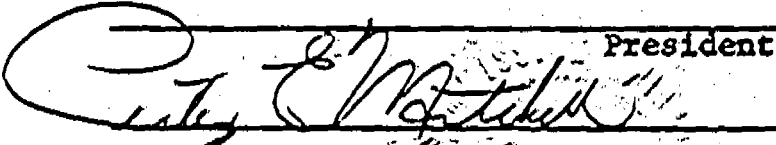
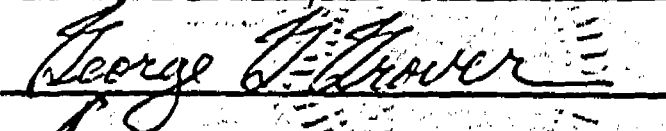

O R D E R

IT IS ORDERED that Decision No. 69486, dated August 3, 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 23<sup>rd</sup> day of NOVEMBER, 1965.

  
 \_\_\_\_\_ President  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 \_\_\_\_\_ Commissioners

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

*Idesant for 5/1/65  
William [unclear]*