

ORIGINAL

Decision No. 70120

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM GLENN DARROW,

Complainant,

vs.

Case No. 8254

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

William Glenn Darrow, 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 809 W. Anaheim Street, Wilmington, California. Interim restoration was ordered pending further order (Decision No. 69640, dated September 8, 1965).

Defendant's answer alleges that on or about August 9, 1965, it had reasonable cause to believe that service to William Glenn Darrow, under number 830-9169, 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 November 4, 1965.

By letter of August 6, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number TE 0-9169 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 owner and operator of a variety store; that he has no knowledge of any illegal use of the telephone; that, if permitted, he will have a private telephone installed instead of the present semipublic coin telephone, so that he may more easily control the use of the telephone by his customers; that telephone service is required in the business and, also, for use by his wife who is in a wheel chair recovering from a broken hip.

Complainant stated that he has great need for telephone service, and that 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. 69640, dated September 8, 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 21<sup>st</sup> day of DECEMBER, 1965.

Fredrick B. Holshoff  
President

George L. Crover

Augusta

William W. Bennett  
Commissioners