

ORIGINAL

Decision No. 70159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT A. SIRAGANIAN,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 3260

Forno & Lewis, by Arthur Lewis, for
complainant.

Lawler, Felix & Hall, by Robert C.
Coppo, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 59 North Oak Avenue, Apt. No. 1, Pasadena, California. Interim restoration was ordered pending further order (Decision No. 69642, dated September 8, 1965).

Defendant's answer alleges that on or about April 19, 1965, it had reasonable cause to believe that service to Robert A. Siraganian, Jr., under number 449-4648, 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 April 16, 1965, the Chief of Police of the City of Pasadena advised defendant that the telephone under number 449-4648 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 a school teacher, that he has a minor child in his home who has required medical services recently, and that telephone service is needed for his family and for his work.

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.

ORDER

IT IS ORDERED that Decision No. 69642, 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 4th day of JANUARY, 1966.

Frederick B. Hilditch
President

John P. Mitchell

George H. Brown

Augustin

J. J.

Commissioners

I dissent to this
 procedure.
 William G. Brown