

**ORIGINAL**

Decision No. 70243

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRY RITCHIE,  
 Complainant,  
 vs.  
 PACIFIC TELEPHONE,  
 a corporation,  
 Defendant.

Case No. 8215

Max Solomon, for complainant.  
Lowler, Felix & Hall, by Robert C. Coppo, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 8115 Second Avenue, Inglewood, California. Interim restoration was ordered pending further order (Decision No. 69356, dated July 7, 1965).

Defendant's answer alleges that on or about June 29, 1965, it had reasonable cause to believe that service to Henry Ritchie, under number 750-3530, 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 16, 1965.

By letter of June 26, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 750-3530 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 by the United States Government, G.S.A.; that his wife is also employed; that they are caring for his mother-in-law who is ill; and that they all have great need for telephone service for medical reasons and for making appointments. Complainant further testified that the criminal charges against him were dismissed 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. 69356, dated July 7, 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 18th day of JANUARY, 1966.

Frederick B. Hallock  
President

George F. Brown

Morgan

Commissioners

*I dissent per Solter  
D. Stanley Bennett*