

ORIGINAL

Decision No. 70245

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLARENCE V. OWEN,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8251

Forno & Lewis, by Arthur Lewis, for complainant.

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

Roger Arnebergh, City Attorney, by Michael T. Sauer, for the Police Department of the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 10815 Camarillo Street, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 69605, dated August 24, 1965).

Defendant's answer alleges that on or about July 7, 1965, it had reasonable cause to believe that service to Clarence V. Owen, under number 877 9398, 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 July 2, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number TR 7-9398 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 under a doctor's care for a heart condition; that he has great need for telephone service and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared at the hearing, but no testimony was offered on behalf of 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. 69605, dated August 24, 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, 1956.

Fredrick B. Hallock
 President

John L. ...

George T. ...

Augustin

Commissioners

*Defendant per Sobel
 William L. ...*