

ORIGINAL

Decision No. 70246

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ERNEST AGUILAR,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a cor-
 poration,
 Defendant.

Case No. 8270

Ernest Aguilar, 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 1216 South Lorena Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69760, dated October 5, 1965).

Defendant's answer alleges that on or about June 21, 1965, it had reasonable cause to believe that service to Ernest Aguilar, under number 268-4425, 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 16, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number

268-4425 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 barber shop; that telephone service is essential to the operation of his shop; that he did not permit the use of his telephone for unlawful purposes; 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. 69760, dated October 5, 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.

Fredrick B. Hallock
President

George D. Power
Commissioners

*I demand you settle
O'Connell & Bennett*