

ORIGINAL

Decision No. 70349

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ABRAHAM VIZVARY, SAM C.
GOLDSTEIN, and BENJAMIN
E. PYNES, doing business
as GOLDEN STATE BUILDING
COMPANY,

Petitioners,

-v-

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
California corporation,

Respondent.

Case No. 8234

Snyder & Gorenfeld, by Nathan Harris Snyder,
for complainant.
Lawler, Felix & Hall, by Robert C. Coppo and
Orville O. Orr, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 8545 Washington Boulevard, Culver City, California. Interim restoration was ordered pending further order (Decision No. 69487, dated August 3, 1965).

Defendant's answer alleges that on or about July 9, 1965, it had reasonable cause to believe that service to A. Vizvary, under number 870-4200, 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 January 11, 1966.

By letter of July 7, 1965, the Chief of Police of Culver City advised defendant that the telephone under number UP 0-4200 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).

Abraham Vizvary and Sam C. Goldstein testified that: they are the owners of the Golden State Building Company; telephone service is essential for the operation of their business; they had no knowledge of any unlawful use of the telephone; they have great need for telephone service, and they 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. 69487, dated August 3, 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 15th day of FEBRUARY, 1966.

Fredrick B. Holbeck
President
George J. Crow
Augusta
William G. Burch

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.