

ORIGINAL

Decision No. 70350

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

B. LEW,

Complainant,

vs.

Case No. 8284

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

B. Lew, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppe
and Orville D. Orr, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1371 West 39th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69837, dated October 26, 1965).

Defendant's answer alleges that on or about June 9, 1965, it had reasonable cause to believe that service to Benny Lew, under number 735-7306, 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 June 4, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number RE 5-7306 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 was not present when his telephone was disconnected and removed; he has no knowledge of any unlawful use of the telephone; his wife is suffering from a heart condition and must use a telephone in emergencies to call a doctor, and for other purposes; 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. 69837, dated October 26, 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. Holdhoff
President

George J. Hoover

Augustin

William L. Bennett

Commissioners

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