

ORIGINALDecision No. 70527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HAROLD J. STALLINGS,

Complainant,

vs.

Case No. 8253

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,

Defendant.

Joseph T. Forno, for complainant.
Lawler, Felix S. Hall, by Orville O.
Orr, Jr., and Richard L. Fruin, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 6751 Case Avenue, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 69639, dated September 8, 1965).

Defendant's answer alleges that on or about June 14, 1965, it had reasonable cause to believe that service to H. J. Stallings, under number 766-4494, 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 February 10, 1966.

By letter of June 9, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers TR 7-3688 and PO 6-4494 were 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 an accountant and uses the telephone in his business to earn a livelihood; that his wife is under the care of a doctor for a heart condition and requires telephone service; 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. 69639, dated September 8, 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 5th day of APRIL, 1966.

Frederick B. Holdhoff
President

George T. Grover
Negotiator

William B. Bennett
Commissioners

I dissent per Sobol.
William B. Bennett

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