

ORIGINAL

Decision No. 70556

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARLON JAYSON,

Complainant,

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8318

Marlon Jayson, in propria persona.
Lawler, Felix & Hall, by Richard L. Fruin, Jr.
and Orville D. Orr, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 4257-1/2 South Central Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70108, dated December 21, 1965).

Defendant's answer alleges that on or about November 18, 1965, it had reasonable cause to believe that service to Marlon Jayson, under number 235-3401, 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 November 16, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 235-3401 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 employed as an entertainer and requires telephone service to earn his living, he is in poor health and needs continuous telephone service to contact a doctor and obtain help if necessary, 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.

O R D E R

IT IS ORDERED that Decision No. 70108, dated December 21, 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 12th day of APRIL, 1966.

Fredrick B. Hilduff
President

Carl E. Mitchell

George G. Grover

Auguston

Commissioners

Defendant per [Signature]
William [Signature]