

ORIGINAL

Decision No. 70639

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OLIVER T. DONES

Complainant,

vs.

Case No. 8319

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Oliver T. Dones, in propria persona.
Lawler, Felix & Hall, by Orville O.
Orr, Jr., and Richard L. Fruin, Jr.,
for defendant.

Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Depart-
ment of the City of Los Angeles,
intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 1809 West 38th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70157, dated January 4, 1966).

Defendant's answer alleges that on or about November 23, 1965, it had reasonable cause to believe that service to O. Dones, under number 733-4268, 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 March 7, 1966.

By letter of November 16, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 733-4268 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 general manager of a nightclub, is engaged in the real estate business, has great need for telephone service for business and social purposes, and because of an asthmatic condition, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of 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. 70157, dated January 4, 1966, 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 3rd day of May, 1966.

Fredrick B. Holbluff
 President

George L. Grover

August

Commissioners

*1 demand for total
 William C. Brine*