

ORIGINAL

Decision No. 70640

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DENNIS FRANKLIN REYNOLDS,
Complainant,

vs.

THE GENERAL TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8339

Dennis F. Reynolds, in propria persona.
Albert M. Hart, H. Ralph Snyder, Jr. and
Paul A. Raymond, by Paul A. Raymond,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 14343 Ramona, Baldwin Park, California. Interim restoration was ordered pending further order (Decision No. 70291, dated February 1, 1966.)

Defendant's answer alleges that on or about January 6, 1966, it had reasonable cause to believe that service to Baldwin Park Social Club, under number 337-9067, 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 21, 1966.

By letter of January 6, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 337-9067 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to defendant's answer on file.

Complainant testified that he is the owner and operator of a restaurant, pool hall and bar, known as the Baldwin Park Social Club; that he has great need for telephone service for fire and police protection and to order supplies for the business; that he does not permit use of the telephone for any unlawful purpose, and that 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. 70291, dated February 1, 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.

Frederick D. Whitehead
 President

George D. Crocker

Augustus

Commissioners

*1 document per Selzer
Holloman Bernard*