

ORIGINAL

Decision No. 70814

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALFRED MARGRAVE,
Complainant,

vs.

Case No. 8325

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Alfred Margrave, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 3622 Vane Avenue, Rosemead, California. Interim restoration was ordered pending further order (Decision No. 70193, dated January 11, 1966).

Defendant's answer alleges that on or about October 21, 1965, it had reasonable cause to believe that service to Alfred Margrave, under number 287-6649, 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 28, 1966.

By letter of October 19, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AT 7-6649 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 by the Department of Water and Power of the City of Los Angeles on a 24-hour call basis and needs telephone service in connection with his employment and the care of his children.

Complainant further testified that he had no knowledge of any unlawful use of his telephone, 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. 70193, dated January 11, 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 8th day of JUNE, 1966.

Frederick B. Hollhoff
 President

Edward E. Mitchell

George T. Trover

Augustan

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.