

ORIGINAL

Decision No. 70918

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BURL H. NUNNELEE,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 8391
(Filed April 11, 1966)

Burl H. Nunnelee, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Allen V. Schwartz, for the Police Depart-
ment of the City of Los Angeles,
interested party.

O P I N I O N

Complainant seeks restoration of semi-public telephone service at 1538 West 7th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70572, dated April 13, 1966).

Defendant's answer alleges that on or about December 13, 1965, it had reasonable cause to believe that service to complainant, under telephone number 483-9124, was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the 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 (1948).

The matter was heard and submitted before Examiner Robert Barnett on May 16, 1966.

By letter of December 10, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 483-9124 was being used to disseminate bookmaking information in violation of Penal Code Section 337a (Exhibit 1).

Complainant testified that he is the subscriber to telephone service furnished by defendant under telephone number 483-9124, located at 1538 West 7th Street, Los Angeles, California. On or about January 2, 1966, his telephone facilities were removed and discontinued by defendant. He did not and will not use the telephone for any unlawful purpose.

There was no 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. 70572, dated April 13, 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 28th day of JUNE, 1966.

Fredrick B. Hillhoff
President
George H. Hoover
Augustus
Commissioners