

ORIGINAL

Decision No. 71234

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARZUN, INC., a corporation,
Complainant,

Case No. 8387

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,
Defendant.

Dan O'Neill, for complainant.
Lawler, Felix & Hall, by Richard L. Fruin, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 4334 Union Pacific Avenue, East Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70550, dated April 5, 1966).

Defendant's answer alleges that on or about March 17, 1966, it had reasonable cause to believe that service to Martin Zuniga, under number 264-8979, 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 July 14, 1966.

By letter of March 10, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 264-2979 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).

Martin Zuniga testified that he is president of Marzun, Inc., the complainant, and manager of its business; that telephone service is necessary for its operation and for its patrons' use; that neither he nor complainant has any knowledge of any unlawful use of the telephone service, and that neither he nor the corporation did or will permit the use of 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 service.

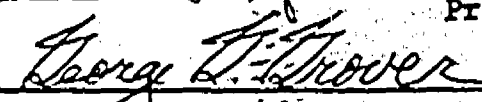
O R D E R

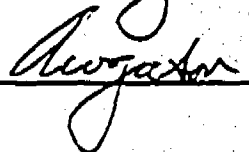
IT IS ORDERED that Decision No. 70550, dated April 5, 1966, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it is made permanent, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1966.



President




Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.