

ORIGINAL

Decision No. 71235

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARMANDO CORRAL,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8388

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 3956 East Olympic Boulevard, East Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70548, dated April 5, 1966).

Defendant's answer alleges that on or about March 17, 1966, it had reasonable cause to believe that service to Armando Corral, under number 264-9960, 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 15, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 264-9960 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 telephone service is essential for operation of his business, known as The Anchor Inn; that the telephone is needed for his night watchman who resides on the premises; that the person who was arrested was later released; that he has great need for telephone service; 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. 70548, dated April 5, 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 6th day of SEPTEMBER, 1966.

Paul L. Mitchell
President
George L. Hoover
Wojan

Commissioners

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