

ORIGINAL

Decision No. 71237

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MELVIN E. RIGBY,
Complainant,

vs.

Case No. 8403

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation.

Defendant.

Melvin E. Rigby, 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 22426 S. Normandie Avenue, Torrance, California. Interim restoration was ordered pending further order (Decision No. 70666, dated May 10, 1966).

Defendant's answer alleges that on or about October 19, 1965, it had reasonable cause to believe that service to Melvin E. Rigby, under number 328-5917, 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 October 13, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number FA 85917 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 the owner and operator of a beer bar at the above-mentioned address and lives in premises at the rear; that telephone service is essential to operation of said business for which he has permits and licenses, that his telephone was disconnected for over seven months to his great inconvenience, 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. 70666, dated May 10, 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.

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

Peter L. Hill President
George L. Hoover
Morgan

Commissioners