

ORIGINAL

Decision No. 71415

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEON FULLER,

Complainant,

vs.

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,

Respondent.

Case No. 8472

Max Solomon, for complainant.
Albert M. Hart and Donald J.
Duckett, by Donald J. Duckett,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1042 East 9th Street, Pomona, California. Interim restoration was ordered pending further order (Decision No. 70966, dated July 19, 1966).

Defendant's answer alleges that on or about July 1, 1966, service to Leon Fuller, under number 629-5658, 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 September 1, 1966.

By letter of July 1, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number NA-9-5658 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). Defendant notified the subscriber of disconnection (Exhibit 2).

Complainant testified: that he operates a catering lunch wagon service in the industrial areas; that he has need for telephone service at home to order extra supplies and get assistance and relief when on his route; that he is assisted by his wife; that the telephone service is necessary to conduct the business which is the sole support of his family 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.

O R D E R

IT IS ORDERED that Decision No. 70966, dated July 19, 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 18th day of OCTOBER, 1966.

John E. Mitchell
President

George H. Stover

Fredrick B. Helloff

Angelo

Commissioners