

ORIGINAL

Decision No. 71416

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Don Claude,

Complainant,

vs.

The General Telephone Co.

a corporation,

Defendant.

Case No. 8483

Don Claude, in propria persona.
A. 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 1204 Masline Street, Covina, California. Interim restoration was ordered pending further order (Decision No. 71022, dated July 26, 1966).

Defendant's answer alleges that on or about March 10, 1966, it had reasonable cause to believe that service to Don M. Claude, under number 339-1104, 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 March 10, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 339-1104 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 is a lathe machinist; that he is married and has three children ages 7 to 12 who are in school; that he needs telephone service at home for the benefit of his family and in case of sickness 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. 71022, dated July 26, 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 18th day of OCTOBER, 1966.

Arthur E. Mitchell
President
George F. Trimmer
Fredrick B. Holmoff
Augusta
Commissioners