

ORIGINAL

Decision No. 71534

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHIGOMITSU MARUYAMA,

Complainant,

Case No. 8349

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Joseph T. Forno, for complainant.  
Lawler, Felix & Hall, by Richard L. Fruin, Jr., for defendant.  
Roger Arnebergh, City Attorney, by  
Charles E. Mattson, for the  
Police Department of the City of  
Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 814 Temple Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70374, dated February 23, 1966).

Defendant's answer alleges that on or about February 9, 1966, it had reasonable cause to believe that service to Chigomitsu Maruyama, under number 628-1635, 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 26, 1966.

By letter of February 8, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 628-1635 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 owner and operator of the Sister Cleaners at the above-mentioned address; telephone service is necessary for the operation of the business to contact customers and secure supplies; the police removed his telephone and arrested him; the charges against him have been dismissed; he did not use the telephone to accept wagers; and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of 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. 70374, dated February 23, 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 9<sup>th</sup> day of NOVEMBER, 1966.

Walter E. Ritzsch  
President  
George L. Grover  
Frederick K. Holloff  
Augustor  
William W. Bennett  
Commissioners