

ORIGINAL

Decision No. 71817

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TONY VARALLO,

Complainant,

vs.

Case No. 8432

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

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 126 South Union Place, Apartment 9, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70802, dated June 2, 1966).

Defendant's answer alleges that on or about May 23, 1966, it had reasonable cause to believe that service to Tony Varallo, under number 628-2866, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and that defendant was required to disconnect the service.

The matter was called for hearing before Examiner DeWolf at Los Angeles on November 4, 1966, and complainant failed to appear. Defendant called one witness who testified to receipt of a letter marked Exhibit 1.

By letter of May 20, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 628-2866 was being used in violation of Penal Code 647(b) (Prostitution) and requested disconnection (Exhibit 1).

Complainant failed to appear after notice of hearing on September 7, 1966, and again after notice of hearing on this date.

A deputy city attorney appeared for the City of Los Angeles, intervener, but no testimony was offered on behalf of any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and that the complaint should be dismissed for failure of complainant to appear.

O R D E R

IT IS ORDERED that the above-entitled complaint is hereby dismissed, and Interim Decision No. 70802, dated June 2, 1966, is hereby vacated.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of JANUARY, 1967

[Signature]  
President

[Signature]  
[Signature]

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Commissioners