

ORIGINAL

Decision No. 71822

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR H. JOLLY,

Complainant,

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8503

Arthur H. Jolly, in propria persona.
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 11057 LeMay, North Hollywood, California. Interim restoration was ordered pending further order (Decision No. 71201, dated August 23, 1966).

Defendant's answer alleges that on or about August 10, 1966, it had reasonable cause to believe that service to Arthur H. Jolly, under number 762-7719, 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 heard and submitted before Examiner DeWolf at Los Angeles on November 4, 1966.

By letter of August 8, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 762-7719 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 his wife is seriously ill; that his mother-in-law is over the age of 87 years; that each requires medical attention; and that telephone service is necessary in obtaining it.

Complainant further testified that he has great need for telephone service, 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 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. 71201, dated August 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 17th day of JANUARY, 1967.

Robert E. Mitchell
President

Augusta

William B. Bennett

Commissioners