

ORIGINAL

Decision No. 71864

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Louis Monaco

Complainant,

vs.

Case No. 8535

PACIFIC TELEPHONE CO.

Defendant.

Louis Monaco, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 176 W. Elmwood, Burbank, California. Interim restoration was ordered pending further order (Decision No. 71381, dated October 4, 1966).

Defendant's answer alleges that on or about August 15, 1966, it had reasonable cause to believe that service to Louis Monaco, under number 848-2406, 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.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 29, 1966.

By letter of August 11, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 848-2406 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 mother just returned from the hospital and he needs telephone service by long distance to communicate with her and to receive calls; that he has no knowledge of any unlawful use of his telephone 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. 71381, dated October 4, 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 17th day of JANUARY, 1967.

John E. Mitchell
President

Augustin

William W. Bennett

Commissioners