

ORIGINAL

Decision No. 71877

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARCO A. ROZZI,

Complainant,

vs.

Case No. 8524

THE PACIFIC TELEPHONE AND  
TELEGRAPH CO., 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 2059 East Seventh Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71308, dated September 20, 1966).

Defendant's answer alleges that on or about July 20, 1966, it had reasonable cause to believe that service to Marco A. Rozzi, under number 622-1860, 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 14, 1966, and complainant failed to appear.

Defendant called one witness who testified to receipt of a letter marked Exhibit 1.

C.8524 NB \*

By letter of July 18, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 622-1860 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).

A deputy city attorney appeared 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 the complainant to appear.

O R D E R

IT IS ORDERED that the above-entitled complaint is hereby dismissed and interim Decision No. 71308, dated September 20, 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