

ORIGINAL

Decision No. 71937

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN F. WILVANG,

Complainant

vs.

Case No. 8497

PACIFIC TELEPHONE,  
a Corporation,

Defendant

Lawler, Felix & Hall, by Richard L. Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 5007 West 118th Place, Hawthorne, California. Interim restoration was ordered pending further order (Decision No. 71118, dated August 16, 1966).

Defendant's answer alleges that on or about July 29, 1966, it had reasonable cause to believe that service to John F. Wilvang, under number 772-5635, 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 July 26, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under numbers 676-7617 and 772-5635 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

There was no appearance by or testimony from 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. 71118, dated August 16, 1966, is hereby vacated.

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

Dated at San Francisco, California, this 31<sup>st</sup> day of JANUARY, 1967.

[Signature]  
President

[Signature]  
Bernard

[Signature]  
Augustin

[Signature]  
William Lyons-J.

[Signature]  
Commissioners