

ORIGINAL

Decision No. 57703

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

POTA KOTARAKOS,

Complainant,

vs.

Case No. 6156

PACIFIC TELEPHONE AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Helen L. Hilliard, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Harold Kennedy, County Counsel, by Alister  
McAlister, Deputy County Counsel, for the  
Sheriff's Department of the County of  
Los Angeles, intervener.

OPINION ON REHEARING

By the complaint herein, filed on July 18, 1958, Pota Kotarakos alleges that she resides at 933 N. Fairfax Avenue, Hollywood, California; that her telephone was illegally removed from said premises; and that she is in poor health and needs a telephone.

On August 1, 1958, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), on or about April 14, 1958, had reasonable cause to believe that the telephone service furnished to complainant under number Oldfield 4-2105 at 933 N. Fairfax Avenue, Apartment 1, Los Angeles, was being or was to be used as an

instrumentality directly or indirectly to violate or to aid and abet the violation of the law, and that, having such reasonable cause, the defendant was required to disconnect the service pursuant to Decision No. 41415, supra.

A public hearing was held in Los Angeles on August 28, 1958, and notice thereof was delivered to the complainant at the address shown in her complaint. She failed to appear at the hearing, and the Commission rendered Decision No. 57349 in Case No. 6156, on September 23, 1958, dismissing the complaint. On October 7, 1958, complainant filed a Petition For Rehearing. On October 21, 1958, the petition was granted. A rehearing was held in Los Angeles on November 18, 1958, before Examiner Kent C. Rogers, evidence was presented by the complainant and other parties, and the matter was submitted.

The evidence in complainant's behalf shows that she is an elderly Greek lady living alone who speaks very little or no English; that she has several children living in the area who speak Greek and keep in touch with her by telephone; that on April 9, 1958, her daughter, Helen Hilliard, came to visit the complainant; that a son, William, came in subsequently and was arrested, and the telephone was removed; and that the complainant is alone and needs a telephone.

The intervener presented no evidence.

Exhibit No. 1 is a copy of a letter from the Los Angeles County Sheriff's Department advising the defendant that on April 9, 1958, complainant's telephone was being used for bookmaking purposes in violation of Section 337a of the Penal Code; that the telephone had been confiscated, and requesting that the service be disconnected. An employee of the telephone company testified that this

letter was received on April 14, 1958, and that pursuant thereto a central office disconnection was effected on April 18, 1958. The position of the telephone company was that it had acted with reasonable cause, as that term is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After full consideration of the record we now find that the telephone company's action was based upon reasonable cause, as that term is used in Decision No. 41415, supra. We further find that there is no evidence that complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for illegal purposes. Therefore, the complainant is now entitled to restoration of telephone service.

ORDER ON REHEARING

The complaint of Pota Kotarakos against The Pacific Telephone and Telegraph Company having been filed, public hearings having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service be granted, and that, upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence, 933 North Fairfax Avenue,

Hollywood 46, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

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

Dated at Los Angeles, California,  
this 9<sup>th</sup> day of December, 1958.

S. L. Fox  
President

W. E. Mitchell

W. S. Luterer

W. S. Luterer

Richard J. Jensen  
Commissioners