

ORIGINAL

Decision No. 53505

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KATHRYN HENDERSON,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 6365

Joseph Forno, by Don Rosenstock, for
complainant.

Lawler, Felix & Hall, by David Workman, for defendant.

O P I N I O N

By the complaint herein, filed on October 7, 1959, Kathryn Henderson requests that telephone service formerly furnished to her by defendant at 5885 Compton Avenue, Los Angeles, California, be restored.

On November 3, 1959, by Decision No. 59224, in Case No. 6365, the Commission ordered that telephone service be restored to complainant pending a hearing on the complaint herein.

On November 16, 1959, 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 September 22, 1959, had reasonable cause to believe that the telephone service furnished

to complainant under number LUdlow 1-7349 at 5885 Compton Avenue, Los Angeles, California, 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 this Commission's Decision No. 41415, supra.

A public hearing on the complaint was held on December 4, 1959, in Los Angeles, before Examiner Kent C. Rogers.

The complainant testified that she has a beauty parlor at 5885 Compton Avenue, Los Angeles; that she needs a telephone therein; that prior to September 17, 1959, the defendant furnished complainant telephone service at said address under number LUdlow 1-7349; that on or about September 17, 1959, police officers of the Los Angeles Police Department removed and disconnected the telephone service; that she did not and does not now intend to use the telephone facilities to violate the law; that she knows of no illegal activities being conducted over said telephone; and that she needs the telephone and cannot conduct her business without said service.

Exhibit No. 1 is a letter from the commander of the Vice Detail of the Los Angeles County Sheriff's Department to the defendant advising the defendant that complainant's telephones had been removed; that they were being used to violate the law or to aid and abet the violation of the law of California; and requesting that the telephone service be disconnected. The defendant's witness testified that this letter was received on September 22, 1959,

and that a central office disconnection was effected pursuant thereto on October 1, 1959; and that the service was reconnected pursuant to Decision No. 59224, supra, on November 10, 1959. 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 service inasmuch as it had received the letter designated as Exhibit No. 1.

No evidence was presented on behalf of any law enforcement agency.

After full consideration of this 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 the evidence fails to show that the complainant's telephone was used as an instrumentality to violate or to aid and abet the violation of the law and therefore the telephone service should be restored.

O R D E R

The complaint of Kathryn Henderson against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, and 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 order of the Commission in Decision No. 59224, dated November 3, 1959, temporarily restoring the telephone service to the complainant, be made permanent, such

restoration 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 San Francisco, California, this 12th day of January, 19 60

[Signature]
 President

[Signature]

[Signature]

[Signature]

Theodore James
 Commissioners