

ORIGINAL

Decision No. 59761

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAURA LEWIS,

Complainant,

vs.

Case No. 6397

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph T. Forno, for the complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for
the defendant.

O P I N I O N

By the complaint herein, filed on December 14, 1959, Laura Lewis requests that the telephone service formerly furnished to her at 2630 Dalton Avenue, Los Angeles, California, be ordered restored.

On January 5, 1960, by Decision No. 59459, in Case No. 6397, the Commission ordered that the telephone service be restored to complainant pending a hearing on the complaint herein.

On January 15, 1960, 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 December 7, 1959, had reasonable cause to believe that the telephone service furnished to Laura Lewis under number REpublic 4-2043 at 2630 Dalton 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 was held on February 1, 1960, in Los Angeles before Examiner Kent C. Rogers.

Laura Lewis testified that she is the subscriber to the telephone service furnished by the defendant at 2630 Dalton Avenue, Los Angeles, California; that on or about November 24, 1959, this telephone was disconnected by the defendant pursuant to instructions from the Los Angeles Police Department; that she has not used and does not intend to permit said telephone to be used for illegal purposes; and that she needs the telephone service.

Exhibit No. 1 is a letter dated December 3, 1959 from an official of the United States Treasury Department to the defendant advising the defendant that the telephone service being provided to Laura Lewis at 2630 Dalton Avenue, Los Angeles, was being used to violate the federal wagering statutes; that the telephone had been removed by the officers of the Intelligence Division of the United States Treasury Department on November 24, 1959; and requesting that the defendant disconnect the service. It was stipulated that this letter was received by the defendant on December 7, 1959; that a central office disconnection was effected pursuant thereto on December 11, 1959; and that service was reconnected on January 8, 1960 pursuant to this Commission's Decision No. 59459, supra. 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.

No evidence was presented by any arresting officers.

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 that therefore the telephone service should be reconnected.

ORDER

The complaint of Laura Lewis against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

IT IS ORDERED that the order of this Commission in Decision No. 59459, dated January 5, 1960, in Case No. 6397, temporarily restoring 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 five days after the date hereof.

Dated at San Francisco, California, this 8th day of March, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners