

ORIGINAL

Decision No. 60482

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRIETTA LISNER,

Complainant,

vs.

Case No. 6472

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Joseph T. Forno, for complainant.
Lawlor, Felix & Hall, by David Workman, for the
defendant.
Roger Arnebergh, City Attorney, by Arthur Korma,
Deputy City Attorney, for the Los Angeles
Police Department, intervener.

O P I N I O N

By the complaint herein, filed on May 2, 1960,
Henrietta Lisner requests the restoration of telephone service to
her home at 8911 Reydon, Downey, California.

By Decision No. 60110, dated May 17, 1960, in Case
No. 6472, the Commission ordered that the defendant restore
service to the complainant pending a hearing on the complaint
herein.

On May 31, 1960, The Pacific Telephone and Telegraph
Company filed an answer the principal allegation of which was that,
pursuant to Decision No. 41415, dated April 6, 1948, in Case
No. 4930 (47 Cal. P.U.C. 853), on or about May 13, 1960, it had
reasonable cause to believe that the telephone service furnished

to complainant under number NEvada 6-6980 at 8911 Reydon, Downey, California, was being used 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 in Los Angeles on June 16, 1960, before Examiner Kent C. Rogers.

The complainant testified that on or about April 27, 1960, her telephone was removed because it was contended such telephone was used for bookmaking purposes; that she did not give anyone permission to use the telephone for illegal purposes; that she needs the telephone and requests that it be restored to her.

No evidence was presented by any law enforcement agency.

Exhibit No. 1 is a letter dated May 11, 1960, from the Assistant Chief of the Internal Revenue Service of the United States Treasury Department to the defendant, advising the defendant that the complainant's telephone service under number NEvada 6-6980 at 8911 Reydon, Downey, California, on April 27, 1960, was being used to violate the Federal Wagering Tax Statutes; that the telephones had been removed, and requesting that the service be disconnected. It was stipulated that this letter was received on May 13, 1960; that the telephone was disconnected pursuant thereto on May 23, 1960; and that the service was reconnected pursuant to Decision No. 60110, supra, on May 23, 1960.

It was the position of the telephone company 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 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 for any illegal purpose, and that, therefore, the complainant is entitled to restoration of the telephone service.

O R D E R

The complaint of Henrietta Lisner 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. 60110, dated May 17, 1960, in Case No. 6472, 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 twenty days after the date hereof.

Dated at San Francisco, California,
this 2nd day of August, 1960.

Gerald W. Page
President

[Signature]

[Signature]

[Signature]

Theodore J. Deiner
Commissioners