

ORIGINAL

Decision No. 60725

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PEARL WILLIAMS,

Complainant,

vs.

PACIFIC TELEPHONE, a Corporation,

Defendant.

Case No. 6564

Pearl Williams, in propria persona.
Lawler, Felix & Hall, attorneys, by A. J. Krappman, Jr.,
for the defendant.

C O P I N I O N

By the complaint herein, filed with this Commission on June 24, 1960, Pearl Williams requests that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be ordered to reinstall telephone service at her home at 1307 West 42nd Street, Los Angeles, California.

On July 7, 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 May 26, 1960, had reasonable cause to believe that the telephone service furnished to complainant under number AXminster 2-0057 at 1307 West 42nd Street, 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 in Los Angeles on August 8, 1960, before Examiner Kent C. Rogers.

Complainant testified that she resides at 1307 West 42nd Street, Los Angeles, California; that prior to May 19, 1960, she had a telephone furnished by the defendant; that on or about May 19, 1960, police officers of the City of Los Angeles entered her home and arrested a woman therein and removed the complainant's telephone; that she needs the telephone and has not used it for any illegal purpose.

The City Attorney of the City of Los Angeles was notified of the hearing but made no appearance thereat.

Exhibit No. 1 herein is a letter dated May 24, 1960, from the Commander of the Vice Detail of the Police Department of the City of Los Angeles to the defendant advising the defendant that complainant's telephone under number AXminster 2-0057 at 1307 West 42nd Street, Los Angeles, California, was on May 9, 1960, being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking 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 May 26, 1960, and that a central office disconnection was effected pursuant thereto on June 3, 1960. 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 complainant's 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 her telephone service.

O R D E R

The complaint of Pearl Williams 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 and findings herein,

IT IS ORDERED that the complainant's request for telephone service is granted, and that upon the filing by the complainant of an application for telephone service The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 1307 West 42nd Street, Los Angeles, 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 five days after the date hereof.

Dated at San Francisco, California, this 13th day of September, 1960.

[Signature]
President

[Signature]

[Signature]

Commissioners

Matthew J. Dooley
Commissioner... Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.