

62335

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LORRAINE FITZGERALD,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 7130

Lorraine Fitzgerald, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for the defendant.  
Roger Arnebergh, City Attorney, by Bernard  
Patrusky, for Los Angeles Police Department,  
intervener.

O P I N I O N

By the complaint herein, filed May 29, 1961, Lorraine Fitzgerald requests an order of this Commission that the defendant, Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at her address at 7961 Brimfield Avenue, Van Nuys, California.

On June 15, 1961, 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, on or about January 3, 1961, had reasonable cause to believe that the telephone service furnished to Lorraine Fitzgerald under number State 0-8919 at 7961 Brimfield Avenue, Van Nuys, 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, and that said telephone service was disconnected on January 12, 1961.

A public hearing was held in Los Angeles on July 14, 1961, before Examiner Robert D. Dewolf.

The complainant testified on direct and cross-examination by the assistant city attorney that she has great need for a telephone as she has two small children, and needs to be able to phone a doctor; that her husband needs a telephone to get work in his trade; that neither of them will use said telephone for any illegal purpose; that complainant and Mrs. Glenn Fitzgerald named in Exhibit No. 1 are the same person. Complainant admitted that her husband had been arrested for bookmaking and stated that he had been convicted and paid his fine. There was no testimony by any law enforcement officer.

After full consideration of this record we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415. We further find that the complainant's telephone was used for bookmaking purposes; that complainant has been without the use of a telephone for more than six months; and that her husband has paid a fine. We conclude that complainant should have telephone service restored at 7961 Brimfield Avenue, Van Nuys, California.

O R D E R

The complaint of Lorraine Fitzgerald 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 herein,

IT IS ORDERED that the complainant's request for restoration of telephone service is granted, and that upon the filing by the complainant with the utility of an application for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's place of residence at 7961 Brimfield Avenue, Van Nuys, 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 25<sup>th</sup> day of JULY, 1961.

\_\_\_\_\_  
 President

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Commissioners