

ORIGINAL

Decision No. 62865

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OLLIE HICKS,	Complainant,	}	Case No. 7156
vs.			
THE PACIFIC TELEPHONE & TELEGRAPH CO., a corporation,	Defendant.		

Ollie Hicks, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

O P I N I O N

By the complaint, filed July 17, 1961, Ollie Hicks re-  
quests an order of this Commission that the defendant, The Pacific  
Telephone & Telegraph Co., a corporation, be required to reinstall  
telephone service at her residence at 829 W. Plum Street, Compton,  
California.

On July 27, 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, in Case  
No. 4930 (47 Cal. P.U.C. 853), on or about February 28, 1961, had  
reasonable cause to believe that the telephone service furnished  
to Ollie Hicks under number NEwmark 5-3959, located at 829 West  
Plum Street, Compton, 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. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on September 13, 1961, before Examiner Robert D. DeWolf.

The complainant testified that she is in great need of a telephone to obtain regular employment and for contacting a doctor in event of illness; that she has not used said telephone for bookmaking and will not use it for any unlawful purpose.

There was no appearance for any law enforcement agency.

Exhibit No. 1 is a letter dated February 25, 1961, from the Office of the Sheriff of the County of Los Angeles to the defendant, advising that the telephone furnished to Ollie Hicks under number NE 5 3959 at 829 W. Plum St., Compton, Calif., was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. Pursuant thereto a central office disconnection was effected.

After full consideration of this record the Commission finds and concludes that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415; 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 telephone service.

ORDER

The complaint of Ollie Hicks against The Pacific Telephone & Telegraph Co., 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 complainant's request for telephone service is granted and that, upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's residence at 829 West Plum Street, Compton, 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 10<sup>th</sup> day of October, 1961.

*Charles A. [Signature]*  
President

*C. [Signature]*

*George [Signature]*

*Fredrick B. [Signature]*

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.