HT/GH

ORIGINAL

Decision No. 62667

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELEANOR ELAINE HOWE, also known as ELEANOR STRATTON, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, Defendant.	Case No. 7161

Eleanor Elaine Stratton Howe, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for defendant.
Roger Arnebergh, by Bernard Patrusky, for City Attorney, intervener.

O P I N I O N

By the complaint, filed August 3, 1961, Eleanor Elaine Howe, also known as Eleanor Stratton, requests an order of this Commission that the defendant, Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at her residence at 228 E. 119th Street, Los Angeles.

On August 14, 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 April 18, 1960, had reasonable cause to believe that the telephone service furnished to Eleanor E. Stratton, under number PLymouth 6-8778 at 228 East 119th 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. Defendant denied the other allegations of the complaint.

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

Complainant admitted using the telephone in violation of law and testified that she had paid a fine and completed most of the probation; that she has been without the use of a phone for about a year and a half at great inconvenience in securing employment and that she has great need for a telephone for her health and welfare.

There was no evidence on behalf of any law enforcement agency. The attorney for the intervener appeared and questioned the applicant.

Exhibit No. 1 and Exhibit No. 2 are copies of letters, dated April 15, 1960, from the Office of the Sheriff of the County of Los Angeles and the Police Department of the City of Los Angeles, advising that the telephone furnished to Elinor Stratton under number PL 6-8778 and extension at 228 East 119 Street, 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 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

evidence discloses complainant's telephone was used for bookmaking purposes, that complainant has been without the use of a telephone for more than seventeen months and has paid a fine, and that complainant's telephone service at 228 E. 119th Street, Los Angeles, California, should be reinstalled.

O R D E R

The complaint of Eleanor Elaine Howe, also known as Eleanor Stratton, 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 of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's place of residence at 228 E. 119th 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 10th day of OCTOBER, 1961.

Everett C. Bond
President
C. Lisle Fox
George G. Grover
Frederick B. Holoboff

Commissioners

-3-

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