

ORIGINAL

Decision No. 62745

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JUANITA BEEBE,

Complainant,

vs.

Case No. 7149

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph T. Forno, by Arthur Lewis, for the
complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for the defendant.

O P I N I O N

By the complaint herein, filed July 7, 1961, Juanita Beebe requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at her home at 1115 Brent Avenue, South Pasadena, California.

By Decision No. 62325, dated July 25, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On August 4, 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 June 5, 1961, had reasonable cause to believe that the telephone service furnished to

Juanita Beebe under number SYcamore 9-1270 at 1625 S. Fair Oaks Avenue, Apartment 2, South Pasadena, 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.

A public hearing was held in Los Angeles on September 13, 1961, before Examiner Robert D. DeWolf. There was no appearance for any law enforcement agency.

Attorneys for complainant and defendant entered into a stipulation that the complainant would testify to the truth of the sworn allegations in the complaint.

Exhibit No. 1 is a letter dated June 1, 1961, from the Office of the Sheriff of the County of Los Angeles to the defendant, advising that the telephone furnished to Juanita Beebe under number SYcamore 9-1270 and extension at 1625 S. Fair Oaks Avenue, Apartment 2, South Pasadena, 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.

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 telephone service.

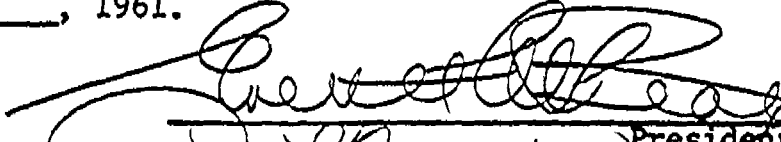
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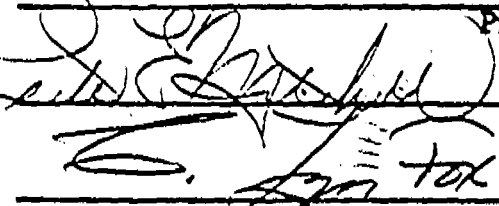
The complaint of Juanita Beebe against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,


IT IS ORDERED that the order of the Commission in Decision No. 62325, dated July 25, 1961, in Case No. 7149, 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.

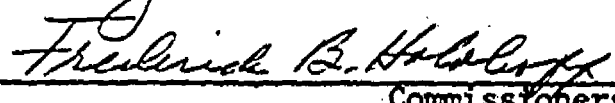
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 31st
day of OCTOBER, 1961.



President


Commissioner


Commissioner


Commissioners