

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BETTY S. ARMSTRONG,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 7214

Betty S. Armstrong, in propria persona.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

By the complaint herein, filed October 25, 1961, Betty S. Armstrong 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 8050 Dorothy Avenue, South San Gabriel, California.

On November 10, 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 May 22, 1961, had reasonable cause to believe that the telephone service furnished to Betty Smith Armstrong under number Cumberland 3-6210 at 8050 Dorothy Street, South San Gabriel, 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 January 17, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

The complainant testified that she has been without the use of a telephone for more than eight months since it was disconnected on May 16, 1961. She has need for telephone service at her home for use in contacting her husband's place of employment and for other lawful purposes. She has never used the telephone for any unlawful purpose.

Exhibit No. 1 is a letter dated May 19, 1961, from the Sheriff's Office of the County of Los Angeles to the defendant advising that the telephone furnished to Betty S. Armstrong under number CU 3-6210 at 8050 Dorothy St., So. San Gabriel, 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.

There was no appearance made or testimony offered by any law enforcement agency.

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.

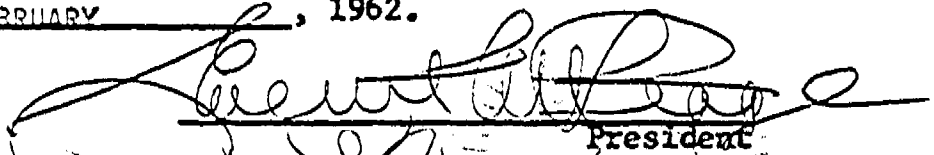
O R D E R

The complaint of Betty S. Armstrong 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,

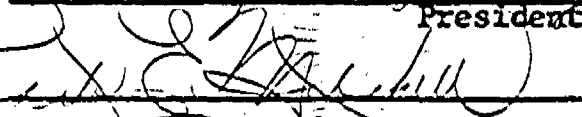
IT IS ORDERED that complainant's request for telephone service is granted and that upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's place of residence at 8050 Dorothy Avenue, South San Gabriel, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

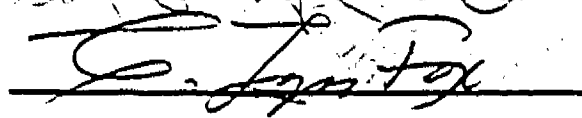
The effective date of this order shall be five days after the date hereof.

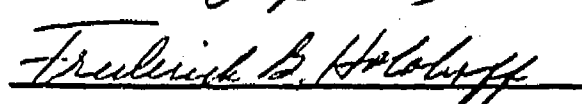
Dated at San Francisco, California, this 26th day of FEBRUARY, 1962.



President







Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.