

ORIGINAL

Decision No. 63472

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARRIET A. MOSLIN,

Complainant,

vs.

Case No. 7260

THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY, A CORPORATION,

Defendant.

Harriet A. Moslin, 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 on December 26, 1961, Harriet A. Moslin requests an order of this Commission that the defendant, The Pacific Telephone & Telegraph Company, a corporation, be required to reinstall telephone service at 15315 So. Vermont Avenue, Gardena, California.

By Decision No. 62994, dated January 2, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On January 11, 1962, 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 October 18, 1960, had reasonable cause to believe that the telephone service furnished to Harriet A. Moslin under number DAVIS 4-9220 at 15315 South

Vermont Avenue, Gardena, 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 February 21, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated October 14, 1960, from the Sheriff's office of the County of Los Angeles to the defendant, advising the defendant that the telephone furnished at 15315 South Vermont Avenue, Gardena, under number DAVIS 4-9220 was being used in violation of the law of the State of California, and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415 in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1

Complainant testified that she has great need for a telephone at her place of business to order merchandise and supplies, and for other business reasons. She also testified that she will not use the telephone for any unlawful purposes. Since her telephone has been removed for over a year, she has used a neighbor's telephone, but this neighbor has moved away making it urgent for her to have telephone service.

There was no appearance on behalf of, or testimony offered by, any law enforcement agency.

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, and 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.

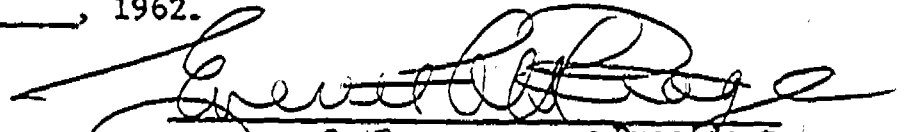
O R D E R


The complaint of Harriet A. Moslin 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,

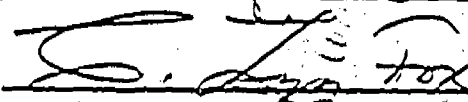
IT IS ORDERED that the order of the Commission in Decision No. 62994, dated January 2, 1962, in Case No. 7260, temporarily restoring telephone service to the complainant, be made permanent, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

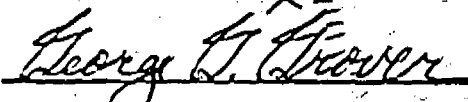
The effective date of this order shall be twenty days after the date hereof.


Dated at San Francisco, California, this 27th day of MARCH, 1962.



President








Commissioners