

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLARA Z. KLINE,

Complainant,

vs.

Case No. 7255

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

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

O P I N I O N

By the complaint herein, filed on December 14, 1961, Clara Z. Kline requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 103 E. 232nd Place, Wilmington, California.

By Decision No. 62993, 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 August 21, 1961, had reasonable cause to believe that the telephone service

furnished to Clara E. (sic) Kline under number Terminal 4-5887 at 103 East 232d Place, Wilmington, 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 August 17, 1961, from the Sheriff's Office of the County of Los Angeles to the defendant, advising the defendant that the telephone furnished to Clara Z. Kline under number TE 4-5887 and extension was being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code, 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 to call her doctor on account of a chronic heart condition and has been under a severe hardship in the past having been without the use of a phone for four months. That complainant's true name is Clara Z. Kline.

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.

ORDER

The complaint of Clara Z. Kline 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. 62993, dated January 2, 1962, in Case No. 7255, 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 3rd day of April, 1962.

Cecil W. Page
President

P. J. Fox

George H. Hoover

Fredrick B. Hallock

Commissioners

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