

ORIGINAL

63815

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AGNAS B. MATLOCK,
Complainant

vs

Case No. 7310

PACIFIC TELEPHONE, a
Corporation

Defendant

H. Clay Jacke, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, by Charles E. Greenberg,
Deputy City Attorney, for Los Angeles
Police Department, intervener.

O P I N I O N

By the complaint herein, filed on March 30, 1962, Agnas B. Matlock requests an order of this Commission that the defendant, Pacific Telephone and Telegraph Company, a corporation, be required to install telephone service at her home at 5012 Cimmaron, Los Angeles, California.

On April 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 January 23, 1962, had reasonable cause to believe that the telephone service furnished to Virgil R. Matlock under number AX 3-5638 at 5012 Cimarron 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.

A public hearing was held in Los Angeles on May 9, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that her true name is Agnes B. Matlock, that she has a 19-month-old baby and has great need for a telephone for medical and health reasons, and that she will not use the same for any unlawful purposes.

There was no testimony offered on behalf of any law enforcement agency. A deputy city attorney appeared and cross-examined the complainant. ✓

Exhibit No. 1 is a letter dated January 22, 1962, from the Chief of Police of the City of Los Angeles to the defendant, advising that the telephone furnished to Virgil R. Matlock under number AX 35638 and one extension at 5012 Cimarron, Los Angeles, California, 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; that the evidence fails to show that the telephone under number AX 35638 at 5012 Cimarron, Los Angeles, was used for any illegal purpose; and that, therefore, the complainant is entitled to installation of telephone service.

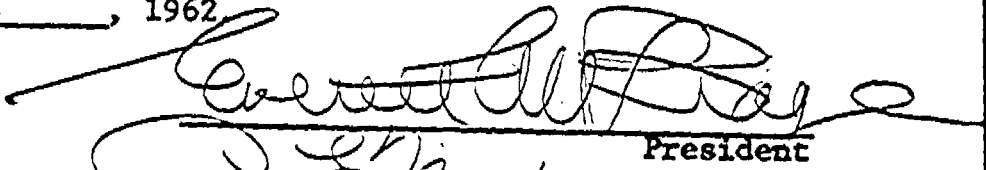
O R D E R

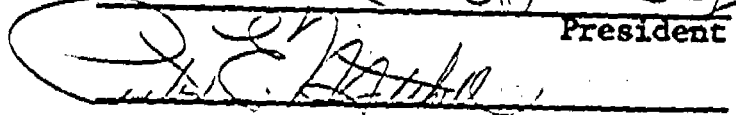
The complaint of Agnes B. Matlock against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,

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 install telephone service at the complainant's home at 5012 Cimarron, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

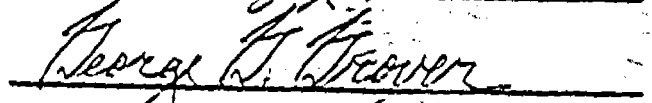
The effective date of this order shall be five days after the date hereof.

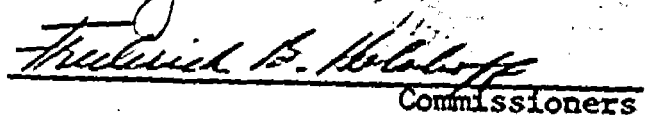
Dated at San Francisco, California, this 12th day of June, 1962.


President








Commissioners