

ORIGINAL

Decision No. 63885

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LELA MAE GOODINE,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 7327

Lela Mae Goodine, in propria persona.  
Lawler, Felix & Hall, by H. Neal Wells III,  
for defendant.  
Roger Arnebergh, by Edward P. George, for the  
City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on May 3, 1962, Lela Mae Goodine 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 1351 W. 20th Street, Apt. 5, Los Angeles 7, California.

On May 17, 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 May 4, 1962, had reasonable cause to believe that the telephone service furnished to complainant under number RI 7-1251 at 1351 West 20th Street, Apartment 5, 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 June 18, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that she has great need for telephone service for medical and health reasons as she has two small children to care for.

There was no testimony offered on behalf of any law enforcement agency. A deputy city attorney appeared and examined the complainant. Exhibit No. 1 is a letter dated May 2, 1962, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Lelia Mae Goodine under number RI 71251 at 1351 West 20th Street, Apartment 5, Los Angeles, California, was being used for the purpose of arranging appointments in order to carry on the practice of prostitution in violation of Section 647 (b) 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 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 Lela Mae Goodine 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 home at 1351 West 20th Street, Apartment 5, 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 2nd day of July, 1962.

George L. Hoover  
President

Arthur E. Mitchell

Wesley H. Berg

Fredrick B. Holoboff

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.