

**ORIGINAL**Decision No. 63947

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. GLADYS DOOLITTLE,  
AKA "PAT DOOLITTLE",

Complainant,

v.

GENERAL TELEPHONE COMPANY OF  
CALIFORNIA, a corporation,

Defendant.

Case No. 7320

Mrs. Gladys Doolittle, in propria persona.  
Albert M. Hart and Donald J. Duckett, by  
Donald J. Duckett, for defendant.

O P I N I O N

By the complaint herein, filed on April 18, 1962, Mrs. Gladys Doolittle requests an order of this Commission that the defendant, General Telephone Company of California, a corporation, be required to reinstall telephone service at 59C - 65th Place, Long Beach 3, California.

By Decision No. 63618, dated May 1, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On May 14, 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 December 8, 1961, had

reasonable cause to believe that the telephone service furnished to Pat Doolittle under number GENEVA 8-3628 at 59C - 65th Place, Long Beach, 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 6, 1962, before Examiner Robert D. DeWolf and the matter was submitted on the same date.

Exhibit No. 1 is attached to the answer as Exhibit A and is a copy of a letter dated December 12, 1962, from the Chief of Police of the City of Long Beach, California, to the defendant, advising the defendant that the telephone furnished to Pat Doolittle under number GENEVA 8-3628 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.

Exhibit No. 2 is attached to the answer as Exhibit B and is a copy of a letter dated December 18, 1961, from defendant to the complainant advising of the telephone disconnection.

Complainant testified that her home was broken into by the Police Department and her telephone removed while she was away

from home; that she has not used the telephone for any illegal activities and does not intend to use the telephone for any unlawful purposes. Her telephone remained disconnected for approximately five months.

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 Gladys Doolittle against General Telephone Company of California, 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. 63612, dated May 1, 1962, in Case No. 7320, 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 17th day of JULY, 1962.

George G. Grover  
President

[Signature]

[Signature]

[Signature]

Frederic B. Roberts  
Commissioners