

ORIGINAL

Decision No. 54160

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SEVALIA FRANKS,

Complainant,

vs.

Case No. 7353

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,

Defendant.

Samuel R. Tannenbaum, 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 May 17, 1962, Sevalia Franks 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 4721½ South Broadway, Los Angeles, California.

By Decision No. 63732, dated May 28, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On June 8, 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 September 20, 1961, had

reasonable cause to believe that the telephone service furnished to Sevalia Franks under number AD 3-6320 at 4721-½ South Broadway, Apartment 12, 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 July 11, 1962, before Examiner Robert D. DeWolf and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated September 13, 1961, from the Police Department of the City of Los Angeles to the defendant, advising the defendant that the telephone furnished to Sevalia Franks under number AD 36320 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 is in great need of telephone service in her work and for health and medical purposes and that she has not used the phone for any illegal purposes and will not do so in the future.

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 Sevalia Franks 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. 63732, dated May 28, 1962, in Case No. 7353 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 7th day of AUGUST, 1962.

George G. Grover
President
[Signature]
[Signature]
Frederick B. Hallock
Commissioners

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