

ORIGINAL

Decision No. 64291

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Loretta Alice Dean,
 Complainant,
 vs.
 Pacific Telephone Company,
 a corporation,
 Defendant.

Case No. 7393

Morrise Davis, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.
Harold W. Kennedy, County Counsel, by DeWitt
Clinton, for Sheriff's Office of Los
 Angeles County, intervenor.

O P I N I O N

By the complaint herein, filed on June 29, 1962, Loretta Alice Dean requests an order of this Commission that the defendant, Pacific Telephone Company, a corporation, be required to reinstall telephone service at her home at 1710 West 39th Place, Los Angeles, California.

On July 13, 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 22, 1962, had reasonable cause to believe that the telephone service furnished to Loretta Alice Dean under number AX 5-2382 at 1710 - 39th Place, 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 August 20, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that she has four children in her home and has great need for telephone service when the children have need of medical care and for contacting her employer. She testified that she has never used the telephone for any unlawful activity and will not do so in the future. She was working at her employment when the officers removed the telephone and has no knowledge of any unlawful activity and that no arrests were made at her home where she lives with her father.

A deputy county counsel appeared and cross-examined complainant, but no testimony was offered on behalf of any law enforcement agency.

Exhibit No. 1 is a letter dated May 17, 1962, from the Sheriff's Office of the County of Los Angeles to the defendant, advising that the telephone furnished to Loretta Dean under number AX 5-2382, and one extension, at 1710 W. 39th Place, Los Angeles, 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 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 Loretta Alice Dean 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 1710 West 39th Place, 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 25th day of September, 1962.

George H. Grover
President

[Signature]

[Signature]

Frederick B. Hallock
Commissioners