

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALBERTA JACKSON,

Complainant,

vs.

Case No. 7375

PACIFIC TELEPHONE COMPANY,

Defendant.

Edward C. Fitzgerald for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Charles E. Greenberg, for the Police Department of the City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on June 13, 1962, Alberta Jackson 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 1106 W. 42nd Street, Los Angeles 37.

By Decision No. 63845, dated June 26, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On July 5, 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 October 10, 1961, had reasonable cause to believe that the telephone service furnished to Alberta Jackson under number AX 4-1631, at 1106 West 42nd Street, Los Angeles 37, 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 22, 1962, before Examiner Robert D. DeWolf and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated October 9, 1961, from the Chief of Police of the City of Los Angeles to the defendant, advising the defendant that the telephone furnished to Alberta Jackson under number AX 41631 and one extension 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 does domestic work and had just returned home when the officers knocked on the door. A friend of her daughter's was using the telephone. She has not used the telephone for any unlawful purpose and will not do so in the future. Complainant's telephone has been disconnected more than eight months.

A deputy city attorney appeared and examined complainant but offered no other testimony.

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.

ORDER

The complaint of Alberta Jackson 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. 63845, dated June 26, 1962, in Case No. 7375, 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 2nd day of OCTOBER, 1962.

George G. Grover
President
W. L. Ditchell
C. W. Ellsberg
Fredrick B. Holhoff

Commissioners

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