

ORIGINAL

Decision No. 64486

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY A. BLACK,)
 Complainant,)
 vs.)
 THE PACIFIC TELEPHONE)
 AND TELEGRAPH COMPANY,)
 a corporation,)
 Defendant.)

Case No. 7421

Mary A. Black, in propria persona.
Lawler, Felix & Hall, by Charles L. Rogers, for
 defendant.
Harold W. Kennedy, County Counsel, by DeWitt
Clinton, for Sheriff's Office, Los Angeles
 County, intervener.

O P I N I O N

By the complaint herein, filed on August 16, 1962, Mary A. Black 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 8610 Grape Street, Los Angeles, California.

On August 30, 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 July 10, 1962, had reasonable cause to believe that the telephone service furnished to Mary A. Black under number LU 1-4634 at 8610 Grape Street, Los Angeles, 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 October 1, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that she owns and operates a motel and lives on the premises, that she and another were arrested for bookmaking, and that all charges against her were dismissed. She testified that she had no knowledge of any bookmaking activities on the premises, that she has not used the telephone for any unlawful purpose and does not intend to do so in the future, and that she has great need for telephone service at her home and for the motel.

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

Exhibit 1 is a copy of a letter dated July 8, 1962, from the Sheriff of Los Angeles County to the defendant, advising that the telephone furnished to Mary Black under number LU 1-4634 at 8610 Grape Street, 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 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 complainant used her telephone for any illegal purpose; and concludes that the complainant is entitled to restoration of telephone service.

ORDER

The complaint of Mary A. Black 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 8610 Grape Street, 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 7th day of NOVEMBER, 1962.

George J. Grover
President

Robert D. Mitchell

Ernest H. Hoag

Frederick B. Holdoff
Commissioners