

ORIGINAL

Decision No. 65132

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGIA L. LEWIS,

Complainant,

vs

Case No. 7525

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,

Defendant.

Mrs. Georgia L. Lewis, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, City of Los
Angeles, by Nowland Hong, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 4213 Montclair Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 64773).

Defendant's answer alleges that on or about October 1, 1962, it had reasonable cause to believe that service to Georgia L. Lewis under number 733-2659 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on February 20, 1963.

By letter of October 18, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone number RE 32659 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1).

Complainant testified that she is a full time dress-maker; that she receives the majority of her calls for work over the telephone; that she has no regular employees, but while she went away on a vacation trip to New York she left the keys of her shop with a friend who also occasionally assisted as a seamstress; that the friend took care of the shop during her absence; that complainant receives on the average of 10 or more calls a day; that the telephone service is essential for her to obtain work and that she has no knowledge of any illegal use of the telephone. She did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and intervened for the City of Los Angeles and cross-examined the complainant, but no witnesses were called on behalf of the intervener.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 64773, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective on the date hereof.

Dated at San Francisco, California, this 26th day of MARCH, 1963.

George J. Grover
President
John Mitchell
Robert W. Long
Fredrick B. Hallock
William W. Binnet
Commissioners