

ORIGINAL

Decision No. 65154

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VIRGINIA LOU JONES,

Complainant,

-vs-

PACIFIC TELEPHONE &  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Case No. 7516

Marvin L. Klynn for complainant.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

Roger Arnebergh, City Attorney, by Nowland C. Hons,  
for the Police Department of the City of  
Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 1417 South Fairfax Avenue, Apartment 2, Los Angeles 19, California.

Defendant's answer alleges that on or about May 17, 1962, it had reasonable cause to believe that service to Virginia Jones under number WE 6-3526 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 27, 1963.

By letter of May 16, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 63526 was being used in violation of Penal Code Section 647(b), and requesting disconnection (Exhibit 1).

Complainant admitted the charges of the police department and testified that she paid a fine of \$100 and has not since been involved in any unlawful activity. Complainant testified that she formerly worked as manager of a gift shop; that she is now employed as a cosmetic buyer; that she needs telephone service to contact dealers and place orders after working hours in the evening; that she has great need for telephone service and will not use the telephone for any unlawful purpose in the future.

A deputy city attorney appeared and intervened and cross-examined the complainant but no witnesses were called by intervener.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415. We further find that the complainant's telephone was being used as an instrumentality to violate the law in that it was used in connection with a violation of Penal Code Section 647(b). Complainant's telephone has been disconnected and she has been without service over nine months, and telephone service should be restored.

O R D E R

IT IS ORDERED that complainant's request for service is granted, and, 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 1417 South Fairfax Avenue, Apartment 2, Los Angeles 19, California, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 2nd day of APRIL, 1963.

George C. Grover  
 President

Carl E. [unclear]

Wesley W. [unclear]

Frederick B. Holdhoff

William W. Bernard  
 Commissioners