

ORIGINAL

Decision No. 65156

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sydney Holloway,

Complainant,

vs.

The Pacific Telephone and
Telegraph Company, a corporation,

Defendant.

Case No. 7534

Sydney Holloway, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Nowland C. Hong,
for the Police Department of the City of Los
Angeles, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 1817 West 43rd Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 64831).

Defendant's answer alleges that on or about August 28, 1962, it had reasonable cause to believe that service to Mrs. S. C. Holloway under number AX 4-2330 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, California, on February 27, 1963.

By letter of August 24, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AX 42330 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 was away from home at the time the officers entered her premises and disconnected her telephone; that, while her nephew was arrested and charged with bookmaking, the case was dismissed; that she has been without telephone service for five months; that she has a niece who has been ill, and other members of the family who need telephone service to contact their employers; that she has great need for telephone service, and did not and will not use the telephone for any unlawful purpose.

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

O R D E R

IT IS ORDERED that Decision No. 64831, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be the date hereof.

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

George H. Crow
President

James L. Kistner

Charles W. Page

Frederic B. Hallock

John W. Bunnell
Commissioners