

ORIGINAL

Decision No. 65193

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DORIS McCOVEY,

Complainant,

vs.

Case No. 7513

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Philip Erbsen, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, City of Los
Angeles, by Nowland Hong, Assistant City
Attorney, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 4423 South Avalon Boulevard, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 64769).

Defendant's answer alleges that on or about December 7, 1962, it had reasonable cause to believe that service to Doris McCovey under number AD 2-9108 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 December 4, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD 29108 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that she is a licensed beauty operator and was first issued a license in 1958; that she started working at the beauty parlor at the above address about a year ago; that about six months ago she purchased and took over the premises and changed the name from Bunny's Beauty Salon to Avalon Beauty shop. The requested telephone service is a coin-operated semi-public pay station with extensions for the beauty operators. It is essential to have telephone service for making appointments. The telephone equipment does not allow operators to call out on the extensions but only to receive calls. Complainant denied any knowledge of illegal use of the telephone and extensions and testified 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 for the City of Los Angeles and cross-examined the complainant but no witnesses were called on behalf of 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. 64769, 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 9th day of April, 1963.

George H. Grover
President

Carl J. Hirsch

Robert W. Ray

Fredrick B. Hohlhoff

William W. Durrant
Commissioners