

ORIGINAL

Decision No. 65194

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ettawanda C. Mason,
Complainant,

vs

Pacific Telephone, a
corporation,

Defendant.

Case No. 7514

Ettawanda C. Mason, 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 5076 West 20th Street, Los Angeles 16, California. Interim restoration was ordered pending further order (Decision No. 64770).

Defendant's answer alleges that on or about February 23, 1962, it had reasonable cause to believe that service to Ettawanda C. Mason under number WE 1-9704 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. 353.

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

By letter of February 21, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 19704 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 full time teacher in the Los Angeles City schools; she has many community and social obligations, all of which require the use of a telephone; that she has no knowledge of any illegal activities over her telephone; that she has great need for telephone service, and she did not and will not use the telephone for any unlawful purpose.

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

O R D E R

IT IS ORDERED that Decision No. 64770, 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 9th day of April, 1963.

George H. Grover
President

Walter A. [unclear]

Walter A. [unclear]

Frederick B. [unclear]

Dallan H. [unclear]
Commissioners