

65221

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DOROTHY DAVIS,

Complainant,

vs

Case No. 7515

THE GENERAL TELEPHONE CORPORATION
OF CALIFORNIA,

Defendant.

Julius Weled, for complainant.
A. M. Hart and Donald J. Duckett, by Donald J. Duckett,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 939 N. Orange St., La Puente, California. Interim restoration was ordered pending further order (Decision No. 64775.).

Defendant's answer alleges that on or about July 20, 1962, it had reasonable cause to believe that service to Dorothy Ann Davis under number ED-35420 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 March 11, 1963.

By letter of July 20, 1962, the Sheriff of the County of Los Angeles advised defendant that the telephone under number ED 35420 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). Defendant notified the

subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the answer of defendant.

Complainant testified that she has need for telephone service for health and employment reasons; that she was arrested for bookmaking and found not guilty. She has great need for telephone service, and did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

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. 64775, 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 16th day of APRIL 1, 1963.

George H. Hoover
President

John S. Dittell

Charles W. [unclear]

Frederick B. Holhoff

William W. [unclear]
Commissioners