

ORIGINAL

Decision No. 65222

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Otis E. Carson,

Complainant,

vs

Case No. 7545

General Telephone Company of
California, a corporation,

Defendant.

Mrs. Otis E. Carson for self.
A. M. Hart and Donald J. Duckett, by Donald J. Duckett, for defendant.

O P I N I O N

Mrs. Otis E. Carson seeks restoration of telephone service at 2530 Delta Avenue, Long Beach, California. Interim restoration was ordered pending further order (Decision No. 64892).

Defendant's answer alleges that on or about January 9, 1963, it had reasonable cause to believe that service to Etta Denby under number GARfield 64960 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 January 9, 1963, the Sheriff of the County

of Los Angeles advised defendant that the telephone under number GA 64960 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.

Mrs. Otis E. Carson testified that she is the complainant named above and that she signed the complaint on file; that she had been ill and was in the hospital at the time her telephone was removed; that she has no knowledge of any illegal use of her telephone; and that she has need of telephone service to keep in touch with her husband's doctor who treats her husband for a serious chronic condition. The telephone was formerly in the name of Etta Denby and the service should be installed in her true name of Mrs. Otis E. Carson. She further testified that 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 service.

ORDER

IT IS ORDERED that Decision No. 64892, 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 five days after the date hereof.

Dated at San Francisco, California, this 16th day of APRIL, 1963.

George A. Hoover
President

John J. [unclear]

Charles W. [unclear]

Fredrick B. Halbach

William W. [unclear]
Commissioners