

ORIGINAL

Decision No. 65329

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DOLORES PEGUES,

Complainant,

vs

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7569

Dolores Pegues, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Simi Dabah,
for the Police Department of the City of
Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 2058 South Harvard Boulevard, Apartment 6, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65016).

Defendant's answer alleges that on or about February 21, 1963, it had reasonable cause to believe that service to Dolores Pegues under number 735-5920 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 April 1, 1963.

By letter of February 19, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 735-5920 was being used for the purpose of arranging appointments in order to carry on the practice of prostitution in violation of Penal Code Section 647(b) and requesting disconnection (Exhibit 1).

Complainant testified that she has no knowledge of any illegal use of her telephone and has not used the telephone for any unlawful purpose; that she has an eleven year old daughter and has great need for telephone service for health, medical and social reasons. She further testified that she rented a room to a woman who lived in her home for two weeks and then was arrested for soliciting; that complainant was not aware of this and has not had any contact with her since said time. She also testified that she did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that complainant used the telephone for any illegal purpose. Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 65016, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective twenty days after the date hereof.

Dated at Los Angeles, California, this 7th day of May, 1963.

George F. Hoover
 President

John J. Hatchell

Frederic B. Haloboff

Stavros K. Brundis

Commissioners

Commissioner Everett C. McKeago, being necessarily absent, did not participate in the disposition of this proceeding.