

**ORIGINAL**

Decision No. 65358

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY DAVIS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 7562

Mary Davis, in propria persona.

Lawler, Felix & Hall, by A. J. Krapoman, Jr.,  
for defendant.

Roger Arnebergh, City Attorney, by Simi Dabah,  
for the Police Department of the City of  
Los Angeles, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 1259 Browning Boulevard, Los Angeles 37, California. Interim restoration was ordered pending further order (Decision No. 65005).

Defendant's answer alleges that on or about January 14, 1963, it had reasonable cause to believe that service to Ruby Hamilton under number 296-0413 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 January 11, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AX 60413 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).

Complainant testified that she has five minor children and needs telephone service for medical reasons and also for use of her husband in his employment. She further testified that Ruby Hamilton was the former subscriber at the address and the listing had not been changed. She testified that the police kicked in the front door to her home and broke the lock and arrested her but no charges of any law violation was filed and none now are pending; 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 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 the telephone was used for any illegal purpose. Complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 65005, temporarily restoring service to complainant, is amended to show that it is for the installation of new service, and as such, that it be 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 San Francisco, California, this 14<sup>th</sup> day of MAY, 1963.

George H. Crover  
President

John S. [unclear]

Fredrick B. Holdhoff

William W. [unclear]

~~Commissioner Everett S. [unclear]~~  
necessarily absent, and not participate  
in the disposition of this proceeding.