

ORIGINAL

Decision No. 65360

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JENNIE MACKSON,

Plaintiff,

vs.

Case No. 7566

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendants.

Jennie Mackson, 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, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 11115 Antwerp Street, Los Angeles 59, California. Interim restoration was ordered pending further order (Decision No. 65014).

Defendant's answer alleges that on or about January 28, 1963, it had reasonable cause to believe that service to Jennie Mackson, under number LO 9-6709 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 Rogers at Los Angeles on April 18, 1963, in the absence of Examiner DeWolf.

By letter of January 24, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number LO 96709 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 great need for telephone service, and that she did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65014, 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 San Francisco, California, this 14th day of May, 1963.

George J. Thayer
President

John P. [Signature]

Frederick B. Holoboff

William G. [Signature]

Commissioners

-2- Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.