

ORIGINAL

Decision No. 65361

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HELEN L. RUSE,

Complainant,

vs

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7570

Helen L. Ruse in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 936 So. Maple, Apt. 2, Inglewood, California. Interim restoration was ordered pending further order (Decision No. 65017).

Defendant's answer alleges that on or about October 11, 1962, it had reasonable cause to believe that service to Helen L. Ruse, under number 671-1066, 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 October 10, 1962, the Acting Chief of Police of Inglewood advised defendant that the telephone under number OR 1-1066 (671-1066) 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.

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. 65017, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of May, 1963.

George G. Hoover
President

John R. ...

Fredrick B. Holbrook

William W. ...

Commissioners

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