

ORIGINAL

Decision No. 65579

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LILLIE MAE ROBERSON,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY, a corporation,)
)
 Defendant.)

Case No. 7577

Lorraine S. Windell, for complainant.
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 1326 East 103rd Street, Los Angeles 2, California. Interim restoration was ordered pending further order (Decision No. 65126).

Defendant's answer alleges that on or about March 8, 1963, it had reasonable cause to believe that service to Lillie Mae Roberson under number 564-6254 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, California, on May 10, 1963.

By letter of March 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number LO 46254 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's representative stipulated with attorneys for defendant and attorneys for intervener that complainant, if called, would testify to the truth of the allegations in the complaint, and that on account of her asthmatic condition she has great need for telephone service. Complainant's representative testified that complainant was unable to come to the hearing on account of illness.

A deputy city attorney appeared for the Police Department of the City of Los Angeles 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. 65126, 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 18th day of JUNE, 1963.

George H. Trover
President

~~[Signature]~~

~~[Signature]~~

Frederick B. Holbrook

William W. Brandt
Commissioners