

ORIGINAL

Decision No. 65825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ruby Blueitt,

Complainant,

vs

The Pacific Telephone and Telegraph  
Company, a corporation.

Defendant.

Case No. 7596

Ruby Blueitt, in propria persona.  
Lawler, Felix & Hall, by John M. Maller,  
for defendant.  
Roger Arnebergh, City Attorney, by  
Nowland Hong, 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 418 E. 107th St., Los Angeles 3, California. Interim restoration was ordered pending further order (Decision No. 65284).

Defendant's answer alleges that on or about March 12, 1963, it had reasonable cause to believe that service to Ruby Blueitt under number PL 7-3562 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 June 19, 1963.

By letter of March 11, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PL 73562 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 six minor children and suffers from a heart condition and one of the children has asthma and has urgent need of telephone service for medical reasons. She further testified that the police broke in her front door, took out her phone and charged her with bookmaking, but that she was found guilty only of having betting material in her house.

Complainant further testified that she did not accept or place bets over her telephone and 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65284, 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 6<sup>th</sup> day of AUGUST, 1963.

William L. Bernard  
President  
John S. [unclear]  
Wendell H. [unclear]  
George T. Grover  
Fredrick B. Holslopp  
Commissioners