

ORIGINAL

65528

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LUCILLE C. MAAG,

Complainant,

vs

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

Case No. 7627

Lucille C. Maag, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 522 La Loma Road, Glendale, California. Interim restoration was ordered pending further order (Decision No. 65417).

Defendant's answer alleges that on or about May 9, 1963, it had reasonable cause to believe that service to Lucille Maag under number CI 4-0739 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 27, 1963.

By letter of May 8, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number CI 4-0739 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 two small children and has need for telephone service in emergencies for medical reasons and for making appointments in her employment as a hair-dresser.

Complainant further testified that she was not arrested, and 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. 65417 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 6th day of August, 1963.

William W. Beaudry
 President

George H. Hoover
 Commissioner

Fredrick B. Hallock
 Commissioners