

ORIGINAL

Decision No. 65867

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. RACHAL PARNESS,

Complainant,

vs

THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7610

Mrs. Rachal Parness, in propria persona.
Lawler, Felix & Hall, by John M. Maller, for
defendant.

Roger Arnebergh, City Attorney, by Simi Dabah and
Frank Wagoner, 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 916 North Sierra Bonita, Los Angeles 46, California. Interim restoration was ordered pending further order (Decision No. 65353).

Defendant's answer alleges that on or about April 17, 1963, it had reasonable cause to believe that service to Mrs. Rachal Parness under numbers HO 3-0662 and HO 3-0777 were being or were to be used as instrumentalities 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 April 15, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers HO 30777 and HO 30662 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that she suffers from high blood pressure; that she has a son in the Navy, one in New York, and her family is widely scattered; that she needs a telephone for medical reasons and to contact her family; and that her husband was arrested when the police broke down the door.

Charges were filed against him and have been continued several times at the request of the Police Department, and are now set for hearing in September.

Complainant further testified that she has no knowledge of any violation of law and the police have no evidence; that she has great need for telephone service; and that neither she nor her husband has used 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.

ORDER

IT IS ORDERED that Decision No. 65353, 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 13th day of AUGUST, 1963.

William W. Burnett
 President

George G. Grover

Frederick B. Hallock

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.