

ORIGINAL

Decision No. 65898

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CAROL LEE LISTON,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 7631

Carol Lee Liston, 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 3831 Mound View, Studio City, California. Interim restoration was ordered pending further order (Decision No. 65455).

Defendant's answer alleges that on or about May 7, 1963, it had reasonable cause to believe that service to Carol Lee and Carol Lee Liston, under numbers 877-9056 and 763-8972, 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 July 2, 1963.

By letters of May 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers 877-9056 and 763-8972 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits Nos. 1 and 2).

Complainant testified that she has been employed by Columbia Broadcasting Systems for eleven years; that she has a daughter age 5-1/2 years; that her father, who lives with her, has a heart condition, and they have urgent need of telephone service for medical reasons.

Complainant testified that both telephones in the names of Carol Lee and Carol Lec Liston are hers, and that they have not been used for bookmaking; that she has great need for telephone service, and she did not and will not use the telephones 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 telephones were used for any illegal purpose.

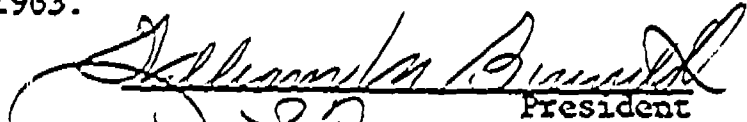
Complainant is entitled to restoration of service.

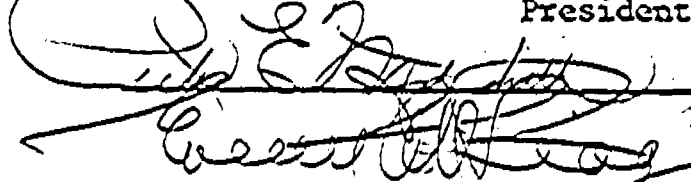
O R D E R

IT IS ORDERED that Decision No. 65455, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

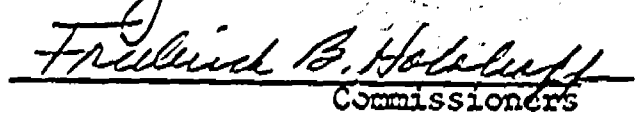
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of AUGUST, 1963.


President




George E. Brewer


Commissioners