

ORIGINAL

Decision No. 65945

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OLIVIA WILLIAMS,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a
 corporation,
 Defendant.

Case No. 7619

Olivia Williams, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.

O P I N I O N

Complainant seeks installation of telephone service at 246 East 70th Street, Los Angeles 11, California. Interim restoration was ordered pending further order (Decision No. 65414).

Defendant's answer alleges that on or about April 2, 1963, it had reasonable cause to believe that service to James Burks under number PL 3-8664 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 22, 1963.

By letters of March 22, 1963 and April 1, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PL 38664 was being or was to be used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant testified that she has an aged mother in New Orleans with whom she talks once or twice a week and that she needs telephone service to contact her employer. She testified she has not been engaged in bookmaking and has not used the telephone in violation of law.

Complainant further testified that she wishes the service connected in her own name and that she has great need for telephone service, 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.

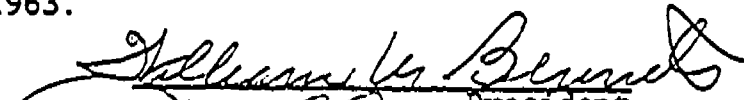
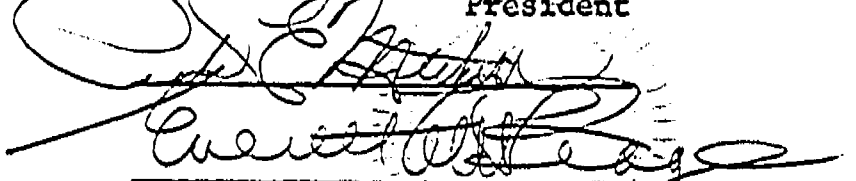
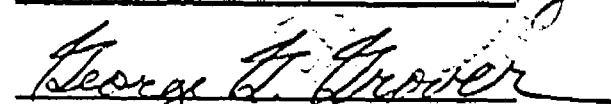
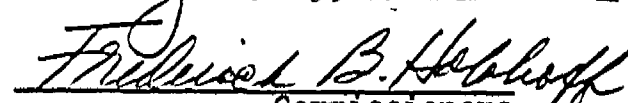
We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. Complainant is entitled to service.

ORDER

IT IS ORDERED that Decision No. 65414, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it be 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 3rd day of SEPTEMBER, 1963.


President



Commissioners