

65946

Decision No. \_\_\_\_\_

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GLADYS SMITH,

Complainant,

vs

Case No. 7620

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Gladys Smith, 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 1253 East 109th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65415).

Defendant's answer alleges that on or about March 6, 1963, it had reasonable cause to believe that service to Earl T. Smith under number 564-5314 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 letter of March 5, 1963, the Chief of the Police Department of the City of Los Angeles advised defendant that the telephone under number LO 4-5314 was 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 is caring for a seven-year old grandson who is under a doctor's care and is in urgent need of telephone service for this purpose. Complainant requests telephone service in her own name and not that of her husband as previously connected.

Complainant further testified that she has not engaged in bookmaking 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.

O R D E R

IT IS ORDERED that Decision No. 65415, 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 3<sup>rd</sup> day of SEPTEMBER, 1963.

William W. Bennett  
President

Robert A. Page

George E. Trorer

Fredrick B. Hallock  
Commissioners