

ORIGINAL

Decision No. 66061

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. ESTHER S. EWING,  
Complainant,

vs.

GENERAL TELEPHONE COMPANY  
OF CALIFORNIA, a corporation,  
Defendant.Case No. 7646  
(Filed June 11, 1963)

Esther Signe Ewing, in propria persona.  
A. M. Hart & H. Ralph Snyder, Jr., by  
H. Ralph Snyder, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 6435 E. Harco Street, Long Beach 8, California. Interim restoration was ordered pending further order (Decision No. 65662).

Defendant's answer alleges that on or about February 21, 1963, it had reasonable cause to believe that service to Harlie D. Ewing under number HA 99077 and extension 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 August 5, 1963.

By letter of February 21, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number HA 9-9077 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the answer of defendant.

Complainant testified that she is a musician and has urgent need for telephone service to obtain work as an entertainer.

Complainant further testified that she did not use the telephone for 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. The Commission concludes, therefore, that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 65662, 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 24th day of September, 1963.

*William A. Bennett*  
 President

*John E. B. ...*

*Edward ...*

*George L. ...*

*Frederick B. Holdoff*  
 Commissioners