

66439

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ISABEL GUYDEN,)
 Complainant,)
 vs)
 THE PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY,)
 Defendant.)

Case No. 7725

Isabel Guyden, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
 for defendant.
Roger Arnebergh, City Attorney, by Frank D. Wagner,
 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 1930 Longwood Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66050).

Defendant's answer alleges that on or about August 22, 1963, it had reasonable cause to believe that service to Isabel Guyden under number WE 8-1403 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 November 4, 1963.

By letter of August 12, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 938-1403 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 a cateress and needs a telephone to obtain work; that she did not use the telephone for bookmaking or any other unlawful purpose. Complainant further testified that she had a roomer who was arrested but that he does not now and has not since lived on the premises; that she has great need for telephone service, and she will not use 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.

O R D E R

IT IS ORDERED that Decision No. 66050, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of DECEMBER, 1963.

William C. Bennett
President
George T. Hoover
Frederick B. Hallock
Commissioners