

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELIZABETH A. DILLARD,

Complainant,

Case No. 7685

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, A
CORPORATION,

Defendant.

Elizabeth A. Dillard, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

Roger Arnebergh, City Attorney, by Herbert
Blitz, 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 2330 Ridgeley Drive, Los Angeles 16, California. Interim restoration was ordered pending further order (Decision No. 65891).

Defendant's answer alleges that on or about July 3, 1963, it had reasonable cause to believe that service to Elizabeth A. Dillard under number WE 4-5231 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 22, 1963.

By letter of July 1, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 45231 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 left the state for Oklahoma about May 27, 1963, and that during her absence she had sublet the premises. Complainant further testified that she has need of telephone service for family use as she has a six year old child.

Complainant further testified that she had no knowledge of any illegal use of the telephone and did not learn of the disconnection until returning, and that she has great need for telephone service, and she did not and 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.

O R D E R

IT IS ORDERED that Decision No. 65891, 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 27th day of DECEMBER, 1965.

Stallman W. Bennett
 President

George H. Grover

Fredrick B. Holoboff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.