

ORIGINAL

Decision No. 66528

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THELMA P. REIMER,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a corpora-
 tion,
 Defendant.

Case No. 7701
 (Filed September 5, 1963)

Thelma P. Reimer, 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 4961 Coldwater Canyon Avenue, Apartment 10, Van Nuys, California. Interim restoration was ordered pending further order (Decision No. 66011).

Defendant's answer alleges that on or about June 12, 1963, it had reasonable cause to believe that service to Toby Thelma Reimer under number 762-3724 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 Monday, November 18, 1963.

By letter of June 11, 1963, the chief of police of the City of Los Angeles advised defendant that the telephones under numbers 762-3724 and 877-4521 were 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 answered an advertisement for work at home and was given a part-time job which she assumed was telephone soliciting, and worked six days, and during this time took messages in the form of phone calls for "George" to whom she relayed the name and the phone number given by the caller. She further testified she had no knowledge of any unlawful activities in connection with the messages.

Complainant further testified that she has two handicapped children, 9 and 12 years of age, in need of medical attention and that she now has a secretarial job and needs telephone service for medical reasons and to contact her employer.

Complainant further testified 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 telephones were used for any illegal purpose. Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66011, 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, 1963.

William W. Bennett
President

~~Robert W. King~~

George T. Grover

Fredrick B. Hallock

Commissioners

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