

66606

Decision No. 66606

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

POLLIE YOUNG,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a corporation,
 Defendant.

Case No. 7742
(Filed October 9, 1963)

Pollie Young, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1140 West 80th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66174).

Defendant's answer alleges that on or about September 20, 1963, it had reasonable cause to believe that service to Pollie Young under number 759-6893 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 December 3, 1963.

By letter of September 17, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 9-6893 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 owns and operates a beauty shop and that her husband is ill and is now undergoing medical treatment at the Sawtelle Veterans Hospital and that she expects him to return home soon.

Complainant further testified that she was not charged with any unlawful act; that she did not have any knowledge of the use of her telephone for an unlawful purpose; that she has great need for telephone service; and that 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66174, 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 14th day of January, 1964.

William W. Bennett
President

John E. [unclear]
Charles W. [unclear]

George J. Trover

Frederick B. Holodoff
Commissioners