

66714

Decision No. \_\_\_\_\_

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GERTRUDE D. JOHNSON,  
Complainant,

vs.

PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Case No. 7684

Jerome Weber, by Ross Brown, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Herbert Blitz,  
for the Police Department of the City of  
Los Angeles, intervenor.

O P I N I O N

Complainant seeks installation of telephone service at 3250 West Sixth Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 65913).

Defendant's answer alleges that on or about July 25, 1963, it had reasonable cause to believe that service to Gertrude Johnson under number DU 3-6104 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 13, 1963.

By letter of July 23, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DU 3-6104 was being used for an unlawful purpose in violation of Penal Code Section 647(b), and requested disconnection (Exhibit 1).

Complainant testified that she is the operator of a dress shop business at 3250 West Sixth Street, Los Angeles, where her business has been moved since the filing of this complaint; that she has urgent need for a business telephone to call manufacturers, salesmen and customers regarding her dress shop business; and that the telephone is used also to contact her mother who is ill and under a doctor's care. Complainant further testified that on July 22, 1963, the police took out her telephone and arrested her; that during this period she suffered serious business losses until her telephone was restored. Complainant further testified that she was charged with violation of Section 647(b) of the Penal Code and that upon trial of said charge she was found not guilty.

The police officer, who made the arrest of complainant, testified that complainant had admitted to him that she had committed certain acts in violation of Section 647(b) of the Penal Code. Complainant denied that she had made any such admission.

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 on behalf of the Police Department of the City of Los Angeles and cross-examined the complainant.

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 service.

O R D E R

IT IS ORDERED that Decision No. 65913, 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 28<sup>th</sup> day of January, 1964.

William W. Bennett  
President

George S. [unclear]

Edward [unclear]

George T. Trover

Fredrick B. Holbrook  
Commissioners