

ORIGINAL

Decision No. 66811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELLA MAY HANLEY,
Complainant,

vs

PACIFIC TELEPHONE, a
corporation,
Defendant.

Case No. 7752

Max Solomon, for complainant.
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, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 5263-1/2 South Figueroa Street, Los Angeles, California. Interim restoration was ordered pending further order, (Decision No. 66254).

Defendant's answer alleges that on or about September 11, 1963, it had reasonable cause to believe that service to Ella May Hanley under number 233-6784 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 January 15, 1964.

By letter of September 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 233-6784 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 her husband died four years ago; that she is 64 years of age; that she earns a living working as a seamstress and uses her telephone to get in touch with her customers. Complainant further testified that about four weeks prior to the disconnection of her telephone she rented out a sleeping room in her home for additional income; that on or about September 5, 1963, the roomer and she were arrested and charged with bookmaking; that all charges against her were dismissed; that she had never done any bookmaking, and the roomer no longer lives at her home.

Complainant further testified that she is alone and needs a telephone for safety and medical reasons; that she has great need for telephone service to enable her to get work as a seamstress, 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.

Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66254, 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 18th day of February, 1964.

Hollingsworth
President

Robert R. Mitchell

Walter C. Pease

George L. Grover

Frederick B. Holshoff
Commissioners