

ORIGINAL

Decision No. 66816

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANNIE L. EVANS,)
 Complainant,)
 vs.)
 THE PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY, a)
 Corporation,)
 Defendant.)

Case No. 7782

Annie L. Evans, 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 1217 West 82nd Street, Los Angeles 44, California. Interim restoration was ordered pending further order (Decision No. 66397).

Defendant's answer alleges that on or about October 30, 1963, it had reasonable cause to believe that service to Fred Evans under number PL 3-1805 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 October 28, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 31805 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 Fred Evans is both physically and mentally ill, was lately released from Camarillo Hospital and is confined in the house. Complainant further testified that telephone service is necessary for her to communicate with her employer and for medical reasons.

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.

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 service.

O R D E R

IT IS ORDERED that Decision No. 66397, 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 13th day of FEBRUARY, 1964.

Adelberto L. Brundage
President

John J. ...

Wesley ...

George G. ...

Frederick B. Halaloff
Commissioners