

ORIGINAL

Decision No. 66854

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LILLIAN L. KAUFMAN,

Complainant,

-vs-

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7787

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Herbert Elitz,
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 1610 West 248th Street, Harbor City, California. Interim restoration was ordered pending further order (Decision No. 66398).

Defendant's answer alleges that on or about November 20, 1963, it had reasonable cause to believe that service to Lillian Leonard Kaufman under number DA 5-2639 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 17, 1964.

By letter of November 18, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DA 5-2639 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit No. 1).

Complainant testified that she is a registered nurse by profession and is employed at the Kaiser emergency room at Harbor City, and also is on call in the Civil Defense program, and telephone service is essential for her to carry on her work.

Complainant further testified that no criminal charges have been filed against either her or her husband, and that she has no knowledge of any illegal activities in the use of her telephone.

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. 66398, 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 25th day of FEBRUARY, 1964.

J. William McBurnett
 President

Carl E. Nichols

Everett W. Boye

George L. Grover

Fredrick B. Hallock
 Commissioners