

ORIGINAL

66893

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEAH GROSS,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 7526

Joseph T. Forno, for complainant.  
Lawler, Felix & Hall, by John M. Maller,  
for defendant.  
Roger Arnebergh, City Attorney, by  
Herbert Blitz, for the Police Depart-  
ment of the City of Los Angeles,  
intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 1040 South Ogden Drive, Los Angeles 19, California. Interim restoration was ordered pending further order (Decision No. 64774).

Defendant's answer alleges that on or about January 4, 1963, it had reasonable cause to believe that service to Leah Gross under number 934-2470 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 24, 1964.

By letter of January 3, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 934-2470 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 is the mother of two small children and is working as bookkeeper and secretary and needs telephone service for medical and family reasons and to keep in communication with her employers. Complainant further testified that since filing this complaint, she has married and her husband is employed by food brokers. Complainant further testified that at the time her telephone was disconnected, both she and her present husband were arrested, but no charges have been filed against complainant and the trial of complainant's husband has not been held.

Complainant further testified that neither she nor her present husband used the telephone for bookmaking and 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 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.

ORDER

IT IS ORDERED that Decision No. 64774, dated January 9, 1963, 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 Los Angeles, California, this 3rd day of MARCH, 1964.

*W. H. ...* President

*George F. Hoover*

*Frederick B. Hotaloff*

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.