

66048

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY LEVINE,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7720

Kenneth Foley, for complainant.
Lawler, Felix & Hall, by John M. Maller,
for defendant.
Roger Arnebergh, City Attorney, by Frank
Wagner, 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 412 North Fairfax, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66047).

Defendant's answer alleges that on or about September 12, 1963, it had reasonable cause to believe that service to Mary Levine under number 935-8874 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 February 5, 1964.

By letter of September 11, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 58874 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 and her husband operate a cleaning and laundry business run jointly by herself and husband, called the Village Cleaners.

Complainant further testified that they have one employee, a presser, who works for them, and that her husband drives the truck and is gone from early in the morning until afternoon and all day Friday on pick-up work, and that a telephone is essential to operation of business.

Complainant further testified that her telephone has not been used for bookmaking or any other illegal activity and they have great need for telephone service, and they 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. 66047, 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 10th day of March, 1964.

Holloman Le Bennett
President
Everett C. McKeage
George B. Trover

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.