

ORIGINAL

66952

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TEMMIE ESTHER PHILLIPS,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7791

Temie Esther Phillips, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1129 East 84th Place, Los Angeles 1, California. Interim restoration was ordered pending further order (Decision No. 66468).

Defendant's answer alleges that on or about November 7, 1963, it had reasonable cause to believe that service to Mrs. T. E. Phillips, under number LU 8-9990 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 19, 1964.

By letter of November 5, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number LU 89990 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 was out shopping for a new dress and when she came home to surprise her husband she learned that the police had taken her telephone out; that she has no knowledge of any unlawful use of the telephone.

Complainant further testified that she has an elderly mother in Arkansas, a son in medical school and 18 grandchildren and they all know her telephone number and can call her on the telephone, and 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 66468, 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 17th day of MARCH, 1964.

William L. Bernard
 President

E. J. ...

George L. Trover

Friedrich B. Hollohoff

 Commissioners

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