

ORIGINAL

Decision No. 65953

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MATTIE LEE BRASS,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY, a)
 corporation,)
)
 Defendant.)

Case No. 7793

Mattie Lee Brass, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.

O P I N I O N

Complainant seeks installation of telephone service at 704 South Barclay Avenue, Compton, California, which when disconnected was in the name of David McCullough. Interim restoration was ordered December 17, 1963, pending further order (Decision No. 66467).

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✓

Defendant's answer alleges that on or about September 18, 1963, September 24, 1963, and November 27, 1963, it had reasonable cause to believe that service to David McCullough under number NE 8-3941 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 letters, dated September 17, 1963, from the Sheriff of the County of Los Angeles, and September 20, 1963 and November 22, 1963, from the Chief of Police of the City of Los Angeles, defendant was advised that the telephone under number NE 8-3941 was being used or would be used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1, 2, and 3).

Complainant testified that she needs telephone service to obtain work as a baby sitter and for other purposes and to keep in touch with her mother who is ill, and that she has other 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 or would be used for any illegal purpose. Complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 66467, 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 14th day of MARCH, 1964.

William W. Bennett
President

George T. Grover

Frederick B. Holoboff

Commissioners

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