

ORIGINAL

Decision No. 67049

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FANNIE B. STANFIELD,
Complainant,

Case No. 7798

vs.

PACIFIC TELEPHONE & TELEGRAPH
CO., a corporation,
Defendant.

Emma Louise Moore, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Herbert
Blitz, 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 2617 South Halldale, Apt. #1, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 56497).

Defendant's answer alleges that on or about September 3, 1963, it had reasonable cause to believe that service to Fannie Stanfield under number 731-3328 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 August 30, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 13328 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit I).

Mrs. Emma Louise Moore appeared and testified on behalf of complainant as follows: that she has known complainant for eight years; that complainant had just returned from the hospital and was not physically able to come in and testify at the hearing. Mrs. Moore further testified that she is familiar with the circumstances described in the complaint and helped Mrs. Stanfield prepare it; she had visited Mrs. Stanfield in the hospital, and she knows that Mrs. Stanfield's statements in her complaint are true and that she is suffering from a heart condition.

Mrs. Moore further testified that she knows Mrs. Stanfield does not engage in bookmaking and she has great need for telephone service; and Mrs. Stanfield did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the witness, 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. 66497, 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 7th day of APRIL, 1964.

William L. Bennett
President
Robert S. [unclear]
Robert [unclear]
George L. Trover
Frederick B. Halaloff
Commissioners