

Decision No. 67145

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PEARL EDWARDS,

Complainant,

vs

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 7820

Pearl Edwards, for complainant.

Lawler, Felix & Hall, by John M. Maller,  
for defendant.

Roger Arnebergh, City Attorney, by James H. Kline,  
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 2917 Rimpau Boulevard, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66704, dated January 28, 1964.)

Defendant's answer alleges that on or about October 25, 1963, it had reasonable cause to believe that service to Pearl Edwards under number 733-1635 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 March 17, 1964.

By letter of October 24, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 3-1635 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 her sole support and means of livelihood is her domestic work by the day; she uses a telephone to obtain such work and learn the time and place of employment; and a telephone is essential in continuing such occupation.

Complainant further testified that she has no knowledge that the telephone was used for bookmaking or any other illegal activities; 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.

O R D E R

IT IS ORDERED that Decision No. 66704, dated January 28, 1964, 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 28th  
day of April, 1964.

William L. Bennett  
President  
George L. Trover  
Fredrick B. Hallock  
Commissioners