

ORIGINAL

Decision No. 67302

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HELENA L. LANCRY, dba)
THE COLONIAL,)

Complainant,)

vs.)

Case No. 7814

THE PACIFIC TELEPHONE AND)
TELEGRAPH COMPANY, a)
Corporation,)

Defendant.)

Helena Lee Lancry, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

Roger Arnebergh, City Attorney, by
James Henry Kline, 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 3423 W. Eighth Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66646, dated January 21, 1964).

Defendant's answer alleges that on or about November 11, 1963, it had reasonable cause to believe that service to Helena L. Lancry, under number DUnkirk 2-4585 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, California, on April 17, 1964.

By letter of November 1, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DU 2-4585 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit No. 1).

Complainant testified that she has great need for telephone service at her cocktail lounge in order to secure supplies and for the lawful operation of said business; that she has no knowledge of any unlawful use of her telephone; that the employee who was arrested and charged with bookmaking is no longer employed by her.

Complainant further testified that she has not been charged with any violation of the law; 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. 66646, dated January 21, 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 3rd day of JUNE, 1964.

William W. Bonds
President

George A. Hoover
Commissioners

Frederick B. Hallock
Commissioners