

ORIGINAL

Decision No. 67419

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRY TILLISON, ETHEL  
TILLISON,

Complainants,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a Corporation.

Defendant.

Case No. 7855

William R. Freeman, for complainant.  
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, intervener.

O P I N I O N

Complainants seek restoration of telephone service at 2901 Halldale Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66939, dated March 17, 1964).

Defendant's answer alleges that on or about October 16, 1963, it had reasonable cause to believe that service to Ethel Tillison under numbers 734-8214 and REpublic 2-8565 was being or was to be used as instrumentalities 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 May 6, 1964.

By letters of October 15, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers RE 2-8565 and 734-8214 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant Henry Tellison testified that he worked for an automobile dealer in Covina and needs telephone service to keep in touch with his job and that the telephones are listed in his wife's name (Ethel) and that the service should be restored in her name. Complainant testified that his wife is also employed and that he has no knowledge of any illegal use of his telephone.

Complainant further testified that he has great need for telephone service, and he 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 telephones were used for any illegal purpose. Complainants are entitled to restoration of service in the name of Ethel Tellison.

O R D E R

IT IS ORDERED that Decision No. 66939, dated March 17, 1964, temporarily restoring service, 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 23rd day of JUNE, 1964.

\_\_\_\_\_  
President

*[Handwritten Signature]*

\_\_\_\_\_  
Commissioners

*[Handwritten Signature]*

*[Handwritten Signature]*

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Commissioners

*[Handwritten Signature]*

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.