

ORIGINAL

Decision No. 67420

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAVERNE COOLEY,

Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7865

John Marshall, by Dwain Clark, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo, for
defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 10508 Walnut Street, South Gate, California. Interim restoration was ordered pending further order (Decision No. 67007, dated March 31, 1964).

Defendant's answer alleges that on or about August 7, 1963, it had reasonable cause to believe that service to LaVerne Cooley under number 564-5418 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 May 26, 1964.

By letter of August 5, 1963, the Sheriff of the County of Los Angeles advised defendant that the telephone under number LO 4-5418 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 she is employed at a hospital and that her husband works in the sand and gravel business; that telephone service is essential in such work and also for emergency calls.

Complainant further testified that she has no knowledge of any unlawful use of her telephone; that she has 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 for any illegal purpose.

Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 67007, dated March 31, 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 23rd day of June, 1964.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners

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