

ORIGINAL

Decision No. 67756

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELIZABETH MILLER, a/k/a
ELIZABETH OWEN,

Complainant,

vs.

Case No. 7892

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Elizabeth Miller, in propria persona.
Lawler, Felix & Hall, by Robert C.
Coppo, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 412 West 117th Street, Los Angeles 61, California. Interim restoration was ordered pending further order (Decision No. 67214, dated May 19, 1964.)

Defendant's answer alleges that on or about April 27, 1964, it had reasonable cause to believe that service to Elizabeth Miller, under number 756-5774 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 July 16, 1964.

By letter of April 23, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 65774 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 as a beauty operator and lives alone and uses the telephone for making appointments at the beauty parlor and for that reason and her personal safety, 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. 67214, dated May 19, 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 25th day of AUGUST, 1964.

Frederick B. Holshoff
President
George H. Hoover
William C. Bernard
Commissioners