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ORIGINAL

Decision No. 67757

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELIZABETH WALLS, Complainant, vs THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, Defendant.	Case No. 7900

Elizabeth Walls, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 9201 So. Hobart Blvd., Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67256, dated May 26, 1964.)

Defendant's answer alleges that on or about May 5, 1964, it had reasonable cause to believe that service to Elizabeth Walls, under number 755-5760 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 23, 1964.

By letter of May 4, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number PL 5-5760 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 family consists of a small child and a husband who works nights, and that telephone service is necessary for their welfare.

Complainant further testified 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. 67256, dated May 26, 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. Holoboff
President

Commissioners