

ORIGINAL

Decision No. 67966

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MADIE CURTIS,

Complainant,

Case No. 7916

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, A Corpora-  
tion,

Defendant.

Madie Curtis, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for the defendant.  
Roger Arnebergh, City Attorney, by James H.  
Kline, for the Police Department of the  
City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 5619 South San Pedro Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67394, dated June 16, 1964).

Defendant's answer alleges that on or about May 29, 1964, it had reasonable cause to believe that service to Madie Curtis, under number 233-0747, 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 August 18, 1964.

By letter of May 27, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD. 3-0747 was being used for the purpose of making appointments in order to carry on the practice of prostitution in violation of Penal Code Section 647 (b), and requested disconnection (Exhibit 1).

Complainant testified that she was away in the hospital when her telephone was disconnected and that she is suffering from a heart condition and needs to keep appointments with her doctor.

Complainant further testified that she does not know of any unlawful use of her telephone and 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. 67394, dated June 16, 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 6<sup>th</sup> day  
OCTOBER, 1964.

Frederick B. Hallock  
President  
Paul S. Mitchell  
George T. Traver  
William L. Bennett

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.