

ORIGINAL

Decision No. 67967

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LILLIAN JEFFERSON,

Complainant,

Case No. 7917

vs.

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

Defendant.

Lillian Jefferson, 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, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 1118 East 50th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67395, dated June 16, 1964).

Defendant's answer alleges that on or about September 18, 1963, it had reasonable cause to believe that service to Lillian Jefferson, under number AD 1-7574, 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 September 16, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD 17574 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 has been going to the hospital for an injured back and arthritis and dental work and needs telephone service in order to make appointments. Complainant testified that the police kicked in the door of her house while she was at the table eating and that she had a roomer who was taking care of her who was arrested.

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, and that her telephone has been disconnected almost a year.

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.

ORDER

IT IS ORDERED that Decision No. 67395, 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 6th day of OCTOBER, 1964.

Frederick B. Hallock
President

[Signature]

George T. Crowe

William L. Bennett

[Signature]
Commissioners

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