

ORIGINAL

Decision No. 68085

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSA E. LEWIS,

Complainant,

vs.

Case No. 7939

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Rosa E. Lewis, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo, for 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 1133 W. 90th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67547, dated July 21, 1964).

Defendant's answer alleges that on or about June 23, 1964, it had reasonable cause to believe that service to Rosa E. Lewis, under number 752-4244 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 September 14, 1964.

By letter of June 24, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 752-4244 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 over 68 years of age, has been in poor health, and lives alone; that she gave the key to her home to a friend to watch for her, and her telephone was later disconnected in her absence.

Complainant further testified that she has no knowledge how her telephone was disconnected 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. 67547, dated July 21, 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 20th day of October, 1964.

Frederick B. Hallock
President

John J. Mitchell

Robert C. Boyd

George E. Crowe

Commissioners

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