

ORIGINAL

Decision No. 68158

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOUISE FINCHER,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
Corporation,

Defendant.

Case No. 7932

Louise Fincher, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.
Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Depart-
ment of the City of Los Angeles,
intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 1103- 1/2 W. 111th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67478, dated July 7, 1964).

Defendant's answer alleges that on or about May 13, 1964, it had reasonable cause to believe that service requested to be installed by Louise Fincher 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 refuse connection of service to her 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 January 11, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 755-3518 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).

By letter of May 11, 1964, the Chief of Police of the City of Los Angeles advised defendant that Louise Fincher had applied for telephone service and stated that in his opinion it would be used as an instrumentality to violate the law, namely, Section 337a P.C. Bookmaking, (Exhibit 2).

Complainant testified that she is employed as a packer and has a child, aged 12 years, and her mother living with her who is ill with tuberculosis, and that she needs telephone service at her residence for said employment and health reasons. Complainant also testified that she was not present when the telephone was removed and that the former subscriber no longer resides at said address.

Complainant further testified that she has no knowledge of any unlawful activity in the previous use of the telephone at said address 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 or would be used for any illegal purpose. Complainant is entitled to service

O R D E R

IT IS ORDERED that Decision No. 67478, dated July 7, 1964, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it 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 2nd day of November, 1964.

Frederick B. Halloff
President
John H. Smith
Wendell W. Rags
George E. Thayer
William W. Bennett
Commissioners