

ORIGINAL

Decision No. 68226

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VIRGINIA BROWN,  
 Complainant,  
 vs.  
 THE PACIFIC TELEPHONE AND  
 TELEGRAPH COMPANY, a  
 corporation,  
 Defendant.

Case No. 7970

Virginia M. Brown, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
 for the defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1155 South Tremaine, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67714, dated August 18, 1964).

Defendant's answer alleges that on or about July 7, 1964, it had reasonable cause to believe that service to Virginia M. Brown, under number 939-8652 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 October 19, 1964.

By letter of June 29, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 939-8652 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 was released from the hospital in July after an operation and needs telephone service on account of her illness.

Complainant further testified that her telephone was removed while she was in the hospital and that she has no knowledge of any unlawful use of the phone and 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. 67714, dated August 18, 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 17th day of November, 1964.

Frederick B. Hallock  
President

W. E. [unclear]

Wendell [unclear]

George J. Grover

William M. [unclear]  
Commissioners