

ORIGINAL

Decision No. 68227

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANN CORNWELL,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7988

Donald Rosenstock, for applicant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 5415 Pacific Boulevard, Huntington Park, California. Interim restoration was ordered pending further order (Decision No. 67789, dated September 1, 1964).

Defendant's answer alleges that on or about February 12, 1964, it had reasonable cause to believe that service to Ann's Tavern, under number 582-0024 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 February 11, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 582-C024 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 owner and proprietress of a beer bar at 5415 Pacific Boulevard, Huntington Park, and works there as a waitress. Complainant testified that telephone service is necessary for her to run the business in order to get supplies and merchandise and to call the police in the event of any disturbances.

Complainant testified that she has a bartender and manager to run the place when she cannot be there and that in February her manager was arrested and charged with bookmaking and that she discharged him and he no longer works for the complainant.

Complainant testified that she was not present when the phone was removed and that she has no knowledge of any illegal activity in the use of the telephone.

Complainant further testified that telephone service is essential for operation of her business and that 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. 67789, dated September 1, 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.

Fredrick B. Holbrook
President

[Signature]

Robert W. Rye

George J. Trover

Melvin L. Gurd
Commissioners