

ORIGINAL

Decision No. 68382

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OLLIE BARRY,

Complainant,

vs.

THE PACIFIC TELEPHONE COMPANY,
a corporation,

Defendant.

Case No. 8006

Max Solomon and Nathan Snyder, for
complainant.

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

Roger Arnebergh, City Attorney, by
James Henry 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 14020 South Budlong, Gardena, California. Interim restoration was ordered pending further order (Decision No. 67924, dated September 30, 1964).

Defendant's answer alleges that on or about September 4, 1964, it had reasonable cause to believe that service to Ollie Barry, under number 324-2764 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 29, 1964.

By letter of September 3, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 324-2764 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 suffering from an arthritic condition and needs a telephone to call a doctor and for keeping in contact with her employer. Complainant further testified that she has had the telephone service for over twelve years; that she married four years ago and her married name is Shore; that she was not present when the telephone was removed and she knows of no illegal use of her telephone.

Complainant further testified that no charges of bookmaking have been filed against her; that 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 that the evidence fails to show 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. 67924, dated September 30, 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 22th
day of DECEMBER, 1964.

Fredrick B. Holbrook
President
W. H. Mitchell
Wesley W. Rags
George L. Thayer
William W. Turner
Commissioners