

ORIGINAL

Decision No. 68610

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HILDRED B. SMITH,

Complainant,

vs.

Case No. 8040

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Mrs. Hildred B. Smith, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.

Roger Arnebergh, 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 1045 Browning Boulevard, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68112, dated October 27, 1964).

Defendant's answer alleges that on or about September 5, 1963, it had reasonable cause to believe that service to Mrs. Hildred Smith, under number 731-4045 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 December 15, 1964.

By letter of September 3, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 731-4045 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 her telephone was disconnected over a year; that she lives alone and works in a printing shop; that she was in Santa Ana when the telephone was disconnected; and that she does not know of any unlawful use of her telephone.

Complainant further testified that she needs telephone service for personal safety and medical reasons; that she has great need for telephone service; and that she did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined 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.

ORDER

IT IS ORDERED that Decision No. 68112, dated October 27, 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 16<sup>th</sup> day of FEBRUARY, 1965.

Frederick B. Hallock  
President

Richard D. [unclear]

George L. [unclear]

[unclear]

William M. [unclear]  
Commissioners