

Decision No. 68679

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOUISE E. BARNUM,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, A Corporation,

Defendant.

Case No. 8041

Louise E. Barnum, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1326 South Ridgeley Drive, Apartment 1, Los Angeles, California, 90019. Interim restoration was ordered pending further order (Decision No. 68111, dated October 27, 1964).

Defendant's answer alleges that on or about March 2, 1964, it had reasonable cause to believe that service to Louise Barnum, under number WEBster 4-1705, 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 January 18, 1965.

By letter of February 27, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number WE 4 1705 and two extensions were 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 employed as a secretary; has a three-year-old son; requires telephone service in connection with her employment and the care of her family for supervision and other necessities; has no knowledge of any illegal use of her telephone; has not been charged with any offenses in connection therewith; 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. 68111, 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 Los Angeles, California, this 2nd day of MARCH, 1965.

Fredrick B. Halbachoff
President
John E. Stetson
George H. Brown
Nogata
William L. Bennett
Commissioners