

ORIGINAL

Decision No. 68707

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WINIFRED RILEY,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
Corporation,

Defendant.

Case No. 7966

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by Robert C. Coppo,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 7548 1/2 Santa Monica Blvd., Apt. 1, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67683, dated August 11, 1964).

Defendant's answer alleges that on or about June 26, 1964, it had reasonable cause to believe that service to Winifred Riley, under number 876-0515 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 June 24, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 876-0515 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 2).

Complainant, by her attorney, stipulated with defendant that complainant, if called to testify, would testify to the truth of the allegations in the complaint.

Guy Cale testified for complainant that he is the owner of a sports information service and employs complainant as telephone operator and that it is necessary in her work to have telephone service. Witness Cale further testified that complainant is too ill to appear in court at this time and offered a statement signed by complainant's doctor which was admitted in evidence as Exhibit No. 1, and which states that patient is unable to appear in court at this time. Witness Cale further testified that complainant was not arrested or charged with any violation of law in connection with the use of the telephone.

Complainant alleges that her earnings and work are dependent on telephone service; 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 that 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. 67683, dated August 11, 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 9th day of March, 1965.

Frederick B. Hallock
President

John P. Decker

George H. Trover

Augusta

Sallyanna Bennett
Commissioners