

ORIGINAL

Decision No. 69632

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DOROTHY PAULINE BONOMO,  
Petitioner,

vs

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a California  
corporation,

Respondent.

Case No. 8157

Abraham Gorenfeld, for complainant.  
Roger Arnebergh, City Attorney, by  
Michael T. Sauer, for the Police  
Department of the City of Los Angeles,  
intervener.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1030 North Curson Avenue, Apartment 5, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 68905, dated April 20, 1965).

Defendant's answer alleges that on or about February 16, 1965, it had reasonable cause to believe that service to Dorothy P. Bonomo, under number 876-2389, 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 July 22, 1965.

By letter of February 15, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 876-2389 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 has moved to a new address at 5733 Virginia Avenue, Los Angeles, California, and needs permanent installation of telephone service at this address. Complainant further testified that she has separated from her husband and that all charges against her for violation of Section 337a of the Penal Code have been dismissed.

Complainant further testified that she desires restoration of the telephone service at the new address. 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 the evidence fails to show that the telephone was used for any illegal purpose.

Complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 68905, dated April 20, 1965, temporarily restoring service to complainant, is amended to show complainant's new address at 5733 Virginia Avenue, Los Angeles, California, and that it is for the installation of new service and, as such, that it 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 31st day of August, 1965.

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 President

*George J. Trower*  
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 George J. Trower  
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*August*  
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 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

*I dissent. See my  
 views in C. 7784, Dec. 69510.  
 William W. Brand*