

ORIGINAL

Decision No. 69738

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Corinne H. Ball,
Complainant,
vs.
The General Telephone Co.,
Defendant.



Case No. 8175

Corinne H. Ball, in propria persona.
Albert M. Hart, H. Ralph Snyder, Jr.,
and Paul A. Raymond, by Paul A.
Raymond, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 3517 Ashwood, Los Angeles 66, California. Interim restoration was ordered pending further order (Decision No. 69113, dated May 25, 1965).

Defendant's answer alleges that on or about March 3, 1965, it had reasonable cause to believe that service to Corinne Ball, under number 397-6101, 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 August 23, 1965.

By letter of March 3, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 397-6101 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). Defendant notified the subscriber of disconnection (Exhibit 2). Exhibits 1 and 2 are attached to the answer of defendant on file herein.

Complainant testified that she is employed as a nurse subject to call at any hour and that she has two children aged 8 and 10 years who at some times are left alone for short periods and that telephone service is essential for medical reasons and for her employment.

Complainant stated in her complaint that she did use the telephone for an unlawful purpose and complainant further testified that she was charged with bookmaking and pleaded guilty and paid a fine of \$100, and that her telephone was disconnected for three months, and that she has great need for telephone service, and she 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 complainant's telephone was used in violation of Section 337a of the Penal Code, and that complainant has paid a fine of \$100, and her telephone was disconnected over sixty days.

Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 69113, dated May 25, 1965, 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 28th day of SEPTEMBER, 1965.

Frederick B. Hallock
 President

Augusta

W. B. ...

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.