

ORIGINAL

Decision No. 69846

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Phyllis C. Ratke,  
 Complainant,  
 vs  
 Pacific Telephone Company  
 of California, a corporation,  
 Defendant.

Case No. 8216

Phyllis C. Ratke, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
 for defendant.  
 Roger Arnebergh, City Attorney, by  
Michael T. Sauer, 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 933 N. Wilcox Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69388, dated July 13, 1965).

Defendant's answer alleges that on or about March 25, 1965, it had reasonable cause to believe that service to Phyllis Ratke, under number 465-8030, 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 September 16, 1965.

By letter of March 24, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 465-8030 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 lives alone; that her family and relatives are in the east; and she needs telephone service for her own safety and to communicate with relatives.

Complainant further testified that she has no knowledge of any unlawful use of her telephone; 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 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 restoration of service.

O R D E R

IT IS ORDERED that Decision No. 69388, dated July 13, 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 26th day of OCTOBER, 1965.

Frederick B. Hallock  
 President

John E. Kilhill

George L. Hoover

Augusta

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.