

ORIGINAL

Decision No. 69983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. JOHN OLDHAM,

Complainant,

vs.

Case No. 8168

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Shirley R. Oldham, 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 18702 So. Crocker, Gardena, California. Interim restoration was ordered pending further order (Decision No. 69027, dated May 11, 1965).

Defendant's answer alleges that on or about April 13, 1965, it had reasonable cause to believe that service to Mrs. John J. Oldham, under number 321-8319, 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 October 7, 1965.

By letter of April 9, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 321-8319 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 her seven-year-old son has a heart condition and that telephone service is necessary for her use in an emergency and also for other family purposes.

Complainant further testified that 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 the evidence fails to show that the telephone was used for any illegal purpose.

Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 69027, dated May 11, 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 23rd day of NOVEMBER, 1965.

[Signature] President

George A. Hoover

[Signature]

Commissioners

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

J. disenberg for [Signature]
William L. Bennett