

ORIGINAL

Decision No. 69984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

June Small,
Complainant,

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8186

June Small, 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 3621 Yorktown Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 69186, dated June 8, 1965).

Defendant's answer alleges that on or about April 22, 1965, it had reasonable cause to believe that service to L. A. Small, under number 645-6840, 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 20, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 645-6840 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 full name is June B. Small; that she has a dependent daughter living with her and telephone service is necessary for their safety and for complainant's obtaining employment.

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.

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. 69186, dated June 8, 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.

_____ President

_____ Commissioners

Indorsement of ...
William ...

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