

**ORIGINAL**

Decision No. 70635

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PEARL MORGAN and  
PAULA MORGAN,

Complainants,

vs.

Case No. 8286

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a Corporation,

Defendant.

Pearl Morgan, in propria persona.  
Lawler, Felix & Hall, by Orville O.  
Orr, Jr., and Richard L. Fruin, Jr.,  
for defendant.

Roger Arnebergh, City Attorney, by  
James H. Kline, for the Police Depart-  
ment of the City of Los Angeles,  
intervener.

O P I N I O N

Complainants seek restoration of telephone service at 300 West 3rd Street, San Pedro, California. Interim restoration was ordered pending further order (Decision No. 69836, dated October 26, 1965).

Defendant's answer alleges that on or about October 14, 1965, it had reasonable cause to believe that service to Paul J. Morgan, under numbers 832-8507 and 832-5619, 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 March 7, 1966.

By letters of October 12, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephones under numbers 832-8507 and 832-5619 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibits 1 and 2).

Complainant Pearl Morgan testified that she is the owner of Morgan's Liquor Store at 300 West 3rd Street, San Pedro, California, and resides at 302 West 3rd Street, San Pedro, that there is telephone service at both places; that complainant Paula Morgan is her daughter and uses the telephone in the residence, but that she (Pearl) pays both telephone bills; that her daughter is a student at the University of Southern California and could not appear at this hearing without missing a class; that complainant Pearl Morgan has been at this business location for 23 years, has need of telephone service in the business, for her residence, for her daughter, and to communicate with her aged mother and mother-in-law; that bookmaking charges against her were dismissed for lack of evidence, and she did not and will not use the telephone service 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 telephones were used for any illegal purpose. Complainant Pearl Morgan is entitled to restoration of service at both locations. Complainant Paula Morgan did not appear and her complaint should be dismissed.

ORDER

IT IS ORDERED that Decision No. 69836, dated October 26, 1965, temporarily restoring service to complainant Pearl Morgan of both telephones, is made permanent, subject to defendant's tariff provisions and existing applicable law.

IT IS FURTHER ORDERED that the complaint of Paula Morgan is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 31 day of MAY, 1966.

Frederick B. Hallock President  
George H. Hoover  
August  
 Commissioners

*I don't see that  
William A. Bernard*