

ORIGINAL

Decision No. 70637

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. ISEBE MCGRAW,

Complainant,

vs.

Case No. 8290

BELL TELEPHONE COMPANY,
a corporation,

Defendant.

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

Roger Arnebergh, City Attorney, by
James R. Kline, 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 2202 Maple Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 59953, dated November 16, 1965).

Defendant's answer alleges that on or about July 12, 1965, it had reasonable cause to believe that service to Isebe McGraw under number 749-2991, 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. F.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on March 7, 1966.

By letter of July 7, 1965, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 749-2991 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 does work by the day; that while she was away at work her telephone was disconnected; that she has no personal knowledge of the reason for such disconnection; that she rented a room to a man who was arrested; that she has great need for telephone service, and she did not and will not use the telephone for any unlawful purpose.

A witness testified for applicant as to her good character.

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. 69953, dated November 16, 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 3rd day of MAY, 1966.

Fredrick B. Helloff
President

George L. Brown
Commissioners

Augusta

1 dissent for J. Tol
William B. Brown