

**ORIGINAL**Decision No. 70816

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mary Guevara,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 8340

Mary Guevara, in propria persona.  
Lawler, Felix & Hall, by Richard L.  
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 528 No. Cordova St., Burbank, California. Interim restoration was ordered pending further order (Decision No. 70290, dated February 1, 1966).

Defendant's answer alleges that on or about January 18, 1966, it had reasonable cause to believe that service to Mary Guevara, under number 849-2526, 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 28, 1966.

By letter of January 15, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 849-2526 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 83 year old grandmother resides with her and telephone service is necessary to enable her to communicate with her grandmother during working hours; that she has no knowledge of any unlawful use of the telephone, 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.

O R D E R

IT IS ORDERED that Decision No. 70290, dated February 1, 1966, 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 8th day of JUNE, 1966.

Fredrick B. Hallock  
 President

John E. Mitchell

George D. Hoover

Augustus

Commissioners

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