

ORIGINAL

Decision No. 70974

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Essie Robinson,

Complainant,

vs.

Case No. 8362

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Essie Robinson, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Roger Arnebergh, City Attorney, by
Allan V. Schwartz, 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 944½ East 42nd Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70444, dated March 15, 1966).

Defendant's answer alleges that on or about February 28, 1966, it had reasonable cause to believe that service to S. E. Robinson, under number 235-2789, 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 May 16, 1966.

By letter of February 25, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AD-52789 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 is a domestic day worker employed by various persons at different locations; that telephone service is necessary to enable her to make and keep appointments; that she was away at work on Palm Drive in Beverly Hills when her telephone was disconnected and has no knowledge of any illegal use of her telephone; that she has not authorized any unlawful use of her telephone 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. 70444, dated March 15, 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 19th day of JULY, 1966.

President

George G. Hoover

Fredrick B. Hallock

Augustin

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.