

**ORIGINAL**

Decision No. 71194

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILEY L. WASHINGTON,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 8351

Alice L. Washington, in propria persona, and  
for complainant, Wiley L. Washington.  
Lawler, Felix & Hall, by Richard L. Fruin, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Allen W.  
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 351 E. 129th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70389, dated February 23, 1966).

Defendant's answer alleges that on or about February 21, 1966, it had reasonable cause to believe that service to Wiley L. Washington, under number 321-3989, 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 June 16, 1966.

By letter of February 10, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 321-3989 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).

Alice L. Washington appeared and requested to be joined as a complainant in the above matter and to appear for the above complainant who was not present.

Alice L. Washington testified that: she is the wife of Wiley L. Washington; they have two children, ages eight and eleven years, who attend school; her husband was at work and could not be present at this hearing without losing wages; she is employed by the day and needs telephone service to keep appointments in connection with her work and for her use in the care of her family, 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. Alice L. Washington should be joined as

complainant. Complainant, Alice L. Washington, is entitled to telephone service.

O R D E R

IT IS ORDERED that Decision No. 70389, dated February 23, 1966, temporarily restoring service to complainant Wiley L. Washington is amended to show that it is for the installation of new service to Alice L. Washington and, as such, 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 23<sup>rd</sup> day of AUGUST, 1966.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

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