

ORIGINAL

Decision No. 71233

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SONIA McFARLAND,

Complainant,

vs.

CALIFORNIA WATER & TELEPHONE
COMPANY, a corporation,

Defendant.

Case No. 8380

Dan O'Neill, for complainant.
Paul A. Raymond, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 15511 Chatsworth Street, Granada Hills, California. Interim restoration was ordered pending further order (Decision No. 70486, dated March 29, 1966).

Defendant's answer alleges that on or about March 15, 1966, it had reasonable cause to believe that service to Sonia McFarland, under number 365-8853, 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 July 14, 1966.

By letter of March 15, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 365-8853 was 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). Defendant notified the subscriber of disconnection (Exhibit 3).

Complainant testified that she is the sole support of her four children and works at a doughnut shop from midnight to 10:00 a.m., and also has other work; that telephone service is needed for her to care for her family and keep her job; that she was acquitted of all charges of unlawful use of the telephone, and that 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. 70486, dated March 29, 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 6th day of SEPTEMBER, 1966.

John E. Mitchell
President

George J. Hoover

Augustus

William W. Bennett

Commissioners

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