

ORIGINAL

Decision No. 71236

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TRUDY GARLAND,

Plaintiff,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 8402

Philip A. Burg, for complainant.
Lawler, Felix & Hall, by Richard L. Fruin, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2071 West 6th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70658, dated May 4, 1966).

Defendant's answer alleges that on or about April 27, 1966, it had reasonable cause to believe that service to Trudy Garland, under number 483-5551, 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 April 25, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 483-5551 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 the owner and operator of a beauty salon; that telephone service is essential to operation of the business in making appointments; that she has no knowledge of any unlawful use of her telephone; that she was not arrested for any violations, 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. 70658, dated May 4, 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.

Robert E. Hill
President

George H. Grover

Augustus

Commissioners

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