

DECISION NO. 71414 CASE NO. 8446 APP. NO. \_\_\_\_\_

**ORIGINAL**

Decision No. 71414

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSE NICKLEBERRY,

Complainant,

Case No. 8446

vs.

PACIFIC TELEPHONE, a  
Corporation,

Defendant.

Max Solomon, 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 132-1/2 West 80th Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70892, dated June 21, 1966).

Defendant's answer alleges that on or about June 13, 1966, it had reasonable cause to believe that service to Rose Nickleberry, under number 751-3826, 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 September 7, 1966.

By letter of June 8, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 751-3826 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 not a bookmaker and did not use the telephone to violate the law; that she and her husband are both employed; that they have two children at home; that telephone service is necessary for the health and welfare of her family; that she has never before been arrested; that she has great need for telephone service, 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. 70892, dated June 21, 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 18<sup>th</sup> day of OCTOBER, 1966.

Robert E. Marshall  
President

George J. Hoover

Frederick B. Holdhoff

Augustus

Commissioners