

ORIGINAL

Decision No. 71536

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARRIETT S. CULLITON

Complainant,

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8460

Harriett S. Culliton, in propria
persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Roger Arnebergh, City Attorney, by
Charles E. Mattson, 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 1510-1/2 So. Van Ness Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 70938, dated July 1, 1966).

Defendant's answer alleges that on or about March 7, 1966, it had reasonable cause to believe that service to Harriett S. Culliton, under number 732-3559, 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 26, 1966.

By letter of March 3, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE 23559 & Extension 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 earns her livelihood by doing part time bookkeeping and office work; that telephone service is essential to get the work and make appointments; that the bookmaking charges against her were dismissed; that she was ill in bed when arrested; that she has never been arrested before, 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.

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O R D E R

IT IS ORDERED that Decision No. 70938, dated July 1, 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 9th day of NOVEMBER, 1966.

John E. Dugan
President

George W. Hoover

Fredrick B. Holliff

Augusta

William W. Bernard
Commissioners