

**ORIGINAL**

Decision No. 71537

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. FRED ALEXANDER,

Complainant,

Case No. 8482

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Mrs. Fred Alexander, 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 1620 3rd Avenue, Apt. #3, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71021, dated July 26, 1966).

Defendant's answer alleges that on or about July 14, 1966, it had reasonable cause to believe that service to Fred Alexander, under number 734-7618, 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 July 12, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 734-7618 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 when the telephone was removed by the police officers she was in Phoenix, Arizona, attending to her mother who was ill and in the hospital; that she is separated from her husband and desires the telephone in her own name; that she has great need for telephone service, 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 service.

O R D E R

IT IS ORDERED that Decision No. 71021, dated July 26, 1966, temporarily restoring service to complainant, is amended to show that it is for the installation of new service and, as such, that it 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 9<sup>th</sup> day of NOVEMBER, 1966.

Richard B. Mitchell  
President

George J. Crover

Fredrick B. Holdoff

Augustan

William W. Bennett  
Commissioners