

ORIGINAL

Decision No. 71821

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Veda Ivy,

Complainant,

Case No. 8500

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Veda Ivy, 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 2628 Brighton Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71157, dated August 19, 1966).

Defendant's answer alleges that on or about July 18, 1966, it had reasonable cause to believe that service to Veda Ivy, under number 734-5942, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and that defendant was required to disconnect the service.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 4, 1966.

By letter of July 14, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 734-5942 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 employed as a domestic worker and needs a telephone to get work and to make appointments at different places of employment. Complainant testified she suffers from high blood pressure and arthritis and needs telephone service to call a doctor.

Complainant further testified that she lives alone and does not know of any illegal use of her telephone and 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 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. 71157, dated August 19, 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 17th
day of JANUARY, 1967.

Robert E. Harkins
President

Augustus

William B. Bennett

Commissioners