

ORIGINAL

Decision No. 71843

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WENDY LEE MOSDALE,

Complainant,

vs.

Case No. 8506

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Wendy Lee Mosdale, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Roger Arnebergh, City Attorney, by
Charles W. Sullivan, 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 7359 Vineland, Sun Valley, California. Interim restoration was ordered pending further order (Decision No. 71203, dated August 23, 1966).

Defendant's answer alleges that on or about August 5, 1966, it had reasonable cause to believe that service to Wendy Lee Mosdale, under number 982-1836, 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 9, 1966.

By letter of August 4, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 982-1836 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 works at two jobs to support herself and two children, ages 8 and 5 years, who are cared for at times by a babysitter; that her brother is in the hospital and telephone communications are necessary; that she has great need for telephone service, and that 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.

ORDER

IT IS ORDERED that Decision No. 71203, dated August 23, 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 17th day of JANUARY, 1967.

Robert E. Mitchell
President

Augustin

William G. Bernard

Commissioners