

ORIGINAL

Decision No. 71845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Constance M. Walls,
Complainant,

Case No. 8526

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Constance M. Walls, 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 3630 W. Adams Blvd., Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71309, dated September 20, 1966).

Defendant's answer alleges that on or about September 6, 1966, it had reasonable cause to believe that service to Constance M. Walls, under number 732-4480, 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 the service.

The matter was heard and submitted before Examiner DeWolf at Los Angeles, on November 14, 1966.

By letter of September 1, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 732-4480 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 has elderly parents, over 70 years of age, to care for; that she is employed at irregular schedules and telephone service is essential to enable her to keep her job; that she was not present when the telephone was disconnected and has no knowledge of any illegal use of the telephone; 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. 71309, dated September 20, 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.

John E. Mitchell
President

Arroyo

William B. Bernick

Commissioners