

ORIGINAL

Decision No. 71847

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WANDA STEPTOE,

Complainant,

vs.

PACIFIC TELEPHONE,
a corporation,

Defendant.

Case No. 8537

Max Solomon, for complainant.
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 2805 West View Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71382, dated October 4, 1966).

Defendant's answer alleges that on or about September 12, 1966, it had reasonable cause to believe that service to Jack Steptoe, under number 733-2483, 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.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 29, 1966.

By letter of September 7, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 733-2483 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 five minor children, three of them in school; that telephone service is needed to get emergency medical help; that her husband needs the telephone in his business of building maintenance; 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 service.

O R D E R

IT IS ORDERED that Decision No. 71382, dated October 4, 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.

Peter E. Hatchell
President

Augustin

William B. Bessell

_____ Commissioners