

ORIGINAL

Decision No. 71848

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANNE M. SANDERS

Complainant,

vs.

Case No. 8539

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation

Defendant.

Anne M. Sanders, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Edward B. Banks, for the District
Attorney of the City of Santa Ana.

O P I N I O N

Complainant seeks restoration of telephone service at 12791 Groveview Street, Apt. "B", Garden Grove, California. Interim restoration was ordered pending further order (Decision No. 71407, dated October 11, 1966).

Defendant's answer alleges that on or about August 19, 1965, it had reasonable cause to believe that service to Martin Sanders, under number 539-6807, 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 29, 1966.

By letter of August 25, 1965, the District Attorney of the County of Orange advised defendant that the telephone under numbers 539 4207 and 539 6807 were being used to disseminate horse-racing information used in connection with book-making in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that she has two children, one of whom is in grammar school; that she lives alone with the children and needs telephone service for them and to communicate with her 80-year-old mother; that she (complainant) is unable to operate an automobile and her telephone is a necessity to arrange for transportation; that she has moved and desires restoration of telephone service at the new address of 10411 Doris Drive, Garden Grove, California, and that she did not and will not use the telephone for any unlawful purpose.

An investigating officer 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.

O R D E R

IT IS ORDERED that Decision No. 71407, dated October 11, 1966, temporarily restoring service to complainant, is amended to show the new address of 10411 Doris Drive, Garden Grove, California, and, as such, 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.

[Signature]
President

[Signature]

[Signature]

Commissioners