

ORIGINAL

Decision No. 71849

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ESTHER L. MATUZAK

Complainant,

vs.

Case No. 8546

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Esther L. Matuzak, in propria persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 23328 Valley Circle Boulevard, Chatsworth, California. Interim restoration was ordered pending further order (Decision No. 71442, dated October 18, 1966).

Defendant's answer alleges that on or about September 22, 1966, it had reasonable cause to believe that service to Esther L. Matuzak, under number 883-2831, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, but defendant refused to disconnect service, and provided another instrument.

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

By letter of September 26, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 883-2831 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 requires telephone service because of poor health and to get employment when hours are changed; that she was not present when her brother was arrested but that all charges against him were dropped; and that she did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from 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. 71442, dated October 18, 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

Alvador

William W. Bennett

_____ Commissioners