

ORIGINAL

Decision No. 71862

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Erma D. Malone

Complainant,

vs.

Case No. 8507

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Erma D. Malone, 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 717 West 59 Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 71205, dated August 23, 1966).

Defendant's answer alleges that on or about August 12, 1966, it had reasonable cause to believe that service to Erma Malone, under number 751-7378, 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 10, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 751-7378 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 a teen-age daughter who is at home when she leaves for and returns from work; that telephone service is necessary to aid her in her employment schedules and for caring for her family; and 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.

O R D E R

IT IS ORDERED that Decision No. 71205, 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

Lawrence

William Bernard

Commissioners