

ORIGINAL

Decision No. 71863

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fay Hopkins,

Complainant,

vs.

Case No. 8522

Pacific Telephone, a corporation,

Defendant.

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, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 2027 Vineyard Avenue, Los Angeles 16, California. Interim restoration was ordered pending further order (Decision No. 71255, dated September 6, 1966).

Defendant's answer alleges that on or about June 16, 1966, it had reasonable cause to believe that service to Fay Hopkins, under number 938-1778, 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 June 14, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 938-1778 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 is a widow employed as a practical nurse and a baby sitter; that each job depends upon and requires a 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.

O R D E R

IT IS ORDERED that Decision No. 71255, dated September 6, 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.

[Signature]
President

[Signature]

[Signature]

Commissioners