

ORIGINAL

Decision No. 72005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SHARONN N. LUELF,

Complainant,

vs.

Case No. 8531

GENERAL TELEPHONE COMPANY
OF CALIFORNIA,

Defendant.

Sharonn N. Luelf, in propria persona.
Albert M. Hart, H. Ralph Snyder, Jr.,
and Donald J. Duckett, by Donald J.
Duckett, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 9510 Walnut Street, Bellflower, California. Interim restoration was ordered pending further order (Decision No. 71332, dated September 27, 1966).

Defendant's answer alleges that on or about December 16, 1965, it had reasonable cause to believe that service to Joseph Luelf, under number 867-8900, 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 January 4, 1967.

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By letter of December 16, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 867-8900 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). Defendant notified the subscriber of disconnection (Exhibit 2).

Complainant testified that she has two small children, that her husband works six days a week and often has an irregular schedule, that she needs telephone service because there are no close neighbors or other method of getting assistance in case of illness, that her telephone has been disconnected almost a year 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 service.

O R D E R

IT IS ORDERED that Decision No. 71332, dated September 27, 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 15th day of FEBRUARY, 1967.

Edmund J. Mitchell
President

William W. Bennett

Augustus

William J. Lyons

Richard P. Moussey
Commissioners