

ORIGINAL

Decision No. 47518

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAY GINN,

Complainant,

vs.

CALIFORNIA WATER & TELEPHONE
COMPANY OF MONROVIA,

Respondent.

Case No. 5374

Ray Ginn, in propria persona; Faries and McDowell,
by Wayne Hackett, for California Water & Telephone
Company, respondent.

O P I N I O N

The complaint alleges that Ray Ginn, residing at 1507 South California Avenue, Monrovia, California, prior to January 23, 1952, was a subscriber and user of telephone service furnished by respondent company under the number Elliott 8-6545. On or about January 23, 1952, these telephone facilities were disconnected by representatives of the Los Angeles County Sheriff's Office on charges of bookmaking. The complaint further alleges that complainant has made a demand upon the respondent company to have the said telephone facilities restored and that the respondent telephone company has refused such demand.

Under date of June 6, 1952, the respondent filed an answer alleging that the telephone facilities in question were

disconnected on January 23, 1952, by the Sheriff of Los Angeles County and that the respondent company was, on that same date, requested by the Sheriff of Los Angeles County to discontinue service to complainant. Complainant further alleges that it has been informed by the office of the Sheriff of Los Angeles County that the aforesaid telephone facilities were being used for bookmaking purposes in violation of the provisions of Section 337(a) of the Penal Code of the State of California.

A public hearing was held in Los Angeles on July 14, 1952, before Examiner Syphers, at which time evidence was adduced and the matter was submitted.

At the hearing the complainant testified that he had been arrested on January 23, 1952, for bookmaking and that subsequently thereto he was convicted, such conviction resulting in a fine and placement on probation for a period of three years. He further testified that he now has need of telephone facilities due to the fact that he is a tubercular patient under the constant care of a doctor and he stated that he has no intention of using telephone facilities for bookmaking purposes in the future.

Testimony was presented by a deputy sheriff of Los Angeles County who stated that he was present on January 23, 1952, when complainant herein was arrested and his telephone instrument confiscated. He further testified that the complainant herein was convicted of bookmaking and fined and placed on three years' probation. The investigation of his office now discloses that complainant is an active tubercular patient under

constant care of a doctor and that he has no criminal record other than this one offense for bookmaking. He stated further that the Sheriff's office now has no objection to telephone service being restored.

The position of the telephone company was that they had discontinued telephone service at the request of the Los Angeles County Sheriff's Office and, accordingly, had acted upon reasonable cause in accordance with the decisions of this Commission.

Upon this record we find that the telephone company exercised due care in taking the action it did and we further find that this action was based upon reasonable cause as such term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853). We further find that the complainant now is entitled to telephone service on the same basis as any other similar subscriber, inasmuch as he has paid his penalty for any violation of the Penal Code which he committed, and there now is no indication that he will in the future use telephone facilities in an unlawful manner.

O R D E R

The complaint of Ray Ginn against the California Water and Telephone Company of Monrovia having been filed, public hearing having been held thereon, the case now being ready for decision, the Commission being fully advised in the premises and basing its decision on the evidence of record and

the findings herein,

IT IS ORDERED that the respondent, the California Water and Telephone Company of Monrovia, consider an application for telephone service from the complainant herein on the same basis as the application of any new subscriber.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 28th day of July, 1952.

R. Z. Anderson
President
Justus F. Deussen
Harold A. Hoels
Samuel H. Patton
John E. McNeill
Commissioners