

# ORIGINAL

Decision No. 48231

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLARA MAE SIMS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 5425

Clara Mae Sims in propria persona. Pillsbury,  
Madison & Sutro by John A. Sutro, and Lawler, Felix  
& Hall, by L. B. Conant, for defendant.

## O P I N I O N

The complaint alleges that Clara Mae Sims who resides at 427 East 118th Place, Los Angeles, prior to October 15, 1952, was a subscriber and user of telephone service furnished by defendant company under number Plymouth 4-7574. On or about October 15, 1952, these telephone facilities were disconnected by the Los Angeles Police Department on suspicion of bookmaking. The complainant has made demand upon the defendant telephone company to restore the telephone service but it has refused to do so. The complaint also alleges that the complainant will suffer irreparable damage if she is deprived of the use of her telephone and, further, that she did not use and does not now intend to use the telephone facilities as an instrumentality to violate the law.

Under date of November 18, 1952, this Commission, by Decision No. 47920, in Case No. 5425, issued an order granting temporary interim relief, directing the telephone company to restore telephone service to complainant pending a hearing in the matter. On November 28, 1952, the defendant telephone company filed an answer, the principal allegations of which were that the defendant telephone company had reasonable cause to believe that the use made or to be made of the telephone service furnished to complainant under number Plymouth 4-7574 was prohibited by law and that said service was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law, and that, having such reasonable cause, defendant was required to disconnect the service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles on January 19, 1953, before Examiner Syphers at which time evidence was adduced and the matter was submitted.

At the hearing the complainant testified that she and her husband resided at 427 East 118th Place in the City of Los Angeles. Prior to October 15, 1952, she had been a subscriber of telephone service for more than 15 years. About ten days prior to this date she had rented a spare room to a man by the name of Donnie Booth. She stated that she had not used the telephone for bookmaking and had no knowledge of any unlawful use thereof. She further testified that Donnie Booth did not now live there and had not lived there or had access to the telephone since October 15, 1952.

An officer of the Los Angeles Police Department testified that on October 15, 1952, shortly after 3:05 p.m., he and another officer entered the premises at 427 East 118th Place and there found one Donnie Booth in the living room. There was a card table on which was located a telephone having number Plymouth 4-7574, a copy of the National Daily Scratch Sheet and a white enamel pan which apparently had been used to record various notations by crayon. The officers were there for approximately two and a half hours, during which time the telephone rang about 20 times. On each occasion one of the officers answered and recorded bets on various horse races. Booth was arrested. He stated that he had rented the room from Mrs. Sims.

Exhibit No. 1 is a copy of a letter dated October 15, 1952, from the Los Angeles Police Department to the telephone company requesting that telephone service under number Plymouth 4-7574 at 427 East 118th Place be disconnected.

The position of the telephone company was that it had acted upon reasonable cause in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After consideration of this record we now find that the telephone company's action was based upon reasonable cause as such term is used in Decision No. 41115, supra. We further find that the telephone facilities here in question were used as an instrumentality to aid and abet the violation of the law. However, there is no evidence in this record to show that the complainant or her husband had any connection with or any

knowledge of the bookmaking activities; therefore, in the light of this record the order granting temporary interim relief will be made permanent.

ORDER

The complaint of Clara Mae Sims against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter now being ready for decision and the Commission being fully advised in the premises and basing its decision upon the evidence of record in this case and the findings herein,

IT IS ORDERED that the order of this Commission in Decision No. 47920, dated November 18, 1952, in Case No. 5425, temporarily restoring telephone service to complainant, be made permanent, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

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

Dated at Los Angeles, California, this 2<sup>nd</sup> day of February, 1953.

R. T. [Signature]  
President

Justus F. [Signature]

Harold P. [Signature]

[Signature]  
[Signature]  
Commissioners