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ORIGINALDecision No. 48232

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JEAN L. RAVENSCROFT,

Complainant,

vs.

Case No. 5424

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Jean L. Ravenscroft, 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 Jean L. Ravenscroft who resided at 4348 Eighth Avenue, Apartment 2, Los Angeles, was a subscriber and user of telephone service furnished by defendant company under number Axminister 3-3675. On or about February 19, 1952, the complainant was deprived of the use of her telephone by action of the Los Angeles Police Department who disconnected the facilities on suspicion of bookmaking. Complainant requested the telephone company to restore the telephone service but it has refused to do so. The complainant further alleges that she will suffer irreparable damage if she is deprived of the use of her telephone and 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. 47919, in Case No. 5424, 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 allegation of which was that the defendant telephone company had reasonable cause to believe that the use made or to be made of the telephone service furnished by defendant to complainant under number Axminister 3-3675 was prohibited by law and that said service was being or was to be used as an instrumentality directly or indirectly to violate the law or to aid and abet the violation of the law, and that, having such reasonable cause, it 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 at Los Angeles on January 12, 1953, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing the complainant testified that as a result of the Commission's temporary interim order, Decision No. 47919, supra, telephone service was restored at 4348 Eighth Avenue, Apartment 2, under number Axminister 1-7174. Subsequently, upon her request, the service was transferred to 3740-1/2 West First Street, under number Dunkirk 2-6941. She stated that she resides at the last-named address at the present time and needs a telephone for personal and business purposes. She further testified that she was not connected

with bookmaking activities at any time and does not now intend to use the telephone for any unlawful purpose. According to her testimony her husband was arrested for bookmaking but she has separated from him and he does not now have access to the telephone at 3740-1/2 West First Street.

A police officer of the City of Los Angeles testified that on May 1, 1951, one Edward Ravenscroft was arrested at 4181-1/2 Leimert Boulevard, Los Angeles, on charges of bookmaking and subsequently was convicted. The telephone at that address was Axminister 3-9645. Thereafter, on February 19, 1952, the police went to 4348 Eighth Avenue and again arrested Ravenscroft on charges of bookmaking. The telephone at that address at that time was Axminister 3-3675. On this occasion Mrs. Jean L. Ravenscroft was present but was not arrested, and Mr. Ravenscroft was subsequently found not guilty. The officer also testified that no evidence had been obtained indicating that Mrs. Ravenscroft had been engaged in or connected with any bookmaking activity.

Exhibit No. 1 is a copy of a letter dated March 6, 1952, from the Chief of Police of Los Angeles to the telephone company requesting that telephone service under the number Axminister 3-3675 at 4348 Eighth Avenue, Apartment 2, be disconnected.

The position of the telephone company was that it had acted upon reasonable cause in removing the telephone 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. However, inasmuch as there was no evidence concerning any bookmaking activities or connection therewith on the part of complainant Mrs. Jean L. Ravenscroft, and in the light of this record that her husband does not now have access to the telephone at her present address, the temporary order restoring telephone service will be made permanent.

O R D E R

The complaint of Jean L. Ravenscroft 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 HEREBY ORDERED that the order of this Commission in Decision No. 47919, dated November 18, 1952; in Case No. 5424, 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 2nd day of February, 1953.

R. T. Murray
President

Justin F. Wallace

Harold K. Hula

Francis P. Patten

John E. Mitchell
Commissioners