

ORIGINAL

Decision No. 49691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DOROTHY SILTON,

Complainant,

v.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 5504

Dorothy Silton in propria persona. Pillsbury,  
Madison & Sutro, by John A. Sutro, and Lawler, Felix  
& Hall, by L. B. Conant, for The Pacific Telephone and  
Telegraph Company.

O P I N I O N

The complaint alleges that Dorothy Silton, who resides at 10119 $\frac{1}{2}$  Stilson Avenue, Los Angeles, prior to October 17, 1953, was a subscriber and user of telephone service furnished by defendant company under number TExas 0-4014. On or about October 17, 1953, these telephone facilities were disconnected by police officers of the City of Los Angeles. The complainant has made demand upon the defendant telephone company to restore service, but it has refused to do so. It is also alleged that complainant will suffer irreparable injury and great hardship 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.

✓ paragraph deleted

Under date of November 17, 1953, this Commission, by Decision No. 49340 in Case No. 5504, issued an order granting temporary interim relief, directing the telephone company to restore telephone service to complainant pending a hearing on the matter. On November 27, 1953, the telephone company filed an answer, the principal allegation of which was that the telephone company had reasonable cause to believe that the use made or to be made of the telephone service furnished to complainant under number TEXas 0-4014, at 10119½ Stilson Street, Los Angeles, California, was being or was to be used as an instrumentality to violate or to aid and abet the violation of the law.

Public hearing was held in Los Angeles on January 21, 1954, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing the complainant testified that the premises at 10119½ Stilson Street in Los Angeles consist of an apartment occupied by complainant, her husband and her daughter. On October 17, 1953, Mrs. Silton and her daughter and a gentleman friend named Bob Davis, or Deweese, were in the apartment. The two ladies were downstairs and Deweese was upstairs using the telephone. Police officers from the City of Los Angeles entered the apartment, made a search of the premises and arrested Mrs. Silton and Mr. Deweese on charges of bookmaking. Later, Mrs. Silton was released without further prosecution of these charges. A police officer testified that he was present on the occasion of the raid and arrest, and stated that the officers entered the premises at 10119½ Stilson Street at about 11 a.m. They found a man, who gave his name as Deweese, in an upstairs bedroom. Near the telephone was a betting marker and Deweese told

the officers that he used the telephone to call bettors instead of having the bettors call him.

Exhibit No. 1 is a copy of a letter dated October 20, 1953, from the Chief of Police of the City of Los Angeles to the telephone company, requesting that telephone service under number TExas 0-4014 be disconnected. The position of the telephone company was that it had acted with reasonable cause in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After a 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. 41415, dated April 6, 1948 (47 Cal. P.U.C. 853). 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 that Mrs. Silton, her husband, or her daughter so used the facilities, and the testimony further indicated that Dewese no longer has access to this telephone.

In light of this factual situation, and taking notice of the fact that the telephone facilities were removed on October 17, 1953, and were not restored until November 17, 1953, we are not now inclined to subject the complainant to any further removal of telephone facilities as a result of the facts disclosed in this record.

#### O R D E R

The complaint of Dorothy Silton against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter 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 HEREBY ORDERED that the order of this Commission in Decision No. 49340, dated November 17, 1953, in Case No. 5504, temporarily restoring telephone service to complainant, be made permanent, such restoration being subject to all rules and regulations of the telephone company and to the existing applicable law.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of February, 1954.

R. E. Anderson  
 President

Justus J. Cassin

Benjamin H. Pitts

John E. Mitchell

Wesley S. Rogers  
 Commissioners