

**ORIGINAL**

Decision No. 50737

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NINA LONGFIELD,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 5561

Albert Anix, for complainant. Pillsbury, Madison  
& Sutro, by John A. Sutro, and Lawler, Felix and Hall,  
by L. B. Conant, for defendant.

O P I N I O N

The complaint herein alleges that Nina Longfield, of 5725 Harding Avenue, Hollydale, prior to July 1, 1954, was a subscriber and user of telephone service furnished by defendant, The Pacific Telephone and Telegraph Company, under number ME 3-4952. On or about July 1, 1954, the telephone facilities of complainant were disconnected by deputies of the Los Angeles County Sheriff's Department. The complainant has made demand upon the defendant telephone company to restore service but it has refused to do so. It is further alleged that the complainant has suffered and will suffer great hardship as a result of being deprived of the telephone facilities in question; and further that she did not use and does not now intend to use said

telephone facilities as an instrumentality to violate the law, or in aiding or abetting such violation.

Under date of July 15, 1954, by Decision No. 50283, in Case No. 5561, this Commission issued an order granting temporary interim relief, directing the telephone company to restore service under number ME 3-4952. On July 26, 1954, the defendant telephone company filed an answer, the principal allegation of which was that the telephone company had reasonable cause to believe that the telephone service furnished to the complainant under number METcalf 3-4952 at 5725 Harding Avenue, Hollydale, California, 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 the 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 before Examiner Kent C. Rogers on October 18, 1954, at which time evidence was adduced and the matter was submitted.

At the hearing complainant testified that neither she nor her husband, with whom she resides, use or have used the telephone for unlawful purposes. She stated that her husband has been a horse owner and trainer for about twenty years and that he may have used the telephone to make bets but that he does not take bets for other people. She further testified that both she and her husband are under a doctor's care; that each keeps an oxygen tank and respirator in their bedroom at all times;

and that it is necessary that they have a telephone to enable them to call their doctor in emergencies.

Complainant's husband, Fred Longfield, testified that he has been under a doctor's care for pulmonary trouble for fifteen years; that shortly before the telephone was removed his wife had to call an ambulance to take him to the hospital for emergency treatment; that for the past two or three weeks he has been having trouble breathing and that it is now necessary to go across the street to a neighbors to use a telephone to call his doctor. This witness denied that either he or his wife had ever engaged in bookmaking, but he admitted that he discusses horse racing over the telephone and takes money from others to bet on the horse races. This money, he stated, he takes to the race track and bets at the pari-mutuel window. In addition, he stated, his friends sometimes call by telephone and ask him to make bets at the track for them. This he will do sometimes, using his own funds to place the bet at the window.

A deputy sheriff of the Los Angeles County Sheriff's Department testified that on July 1, 1954, after complainant and her husband had been kept under surveillance for several weeks, he and other deputies raided complainant's premises at 5725 Harding Avenue at about 4:00 p.m. Complainant was ill and in bed and her husband was in the house. The deputy accused the husband of using the telephone for receiving bets on horse races, and he stated that he had placed \$14.00 in bets that day. The husband later reduced this figure to \$2.00. Whether these bets were personal bets of the husband or were bets received for

an unknown third person was not explained. The deputy further testified that while he was in the complainant's house that day the telephone rang on numerous occasions. On three of these occasions the witness answered the telephone. On two of the three occasions the party on the other end of the line hung up without saying a word. On the third occasion the party gave his name and then hung up. The deputy further testified that he found on the premises a current scratch sheet giving the odds on the horses racing at the various tracks, and a pad of sheets such as used by bookmakers for betting markers. This pad was blank, but the witness could see the indentations from writing thereon. He said the indentations gave the name of a person and the figures "2-2-x". He said it was his opinion that a sheet that had been torn off was a betting marker reflecting a bet of \$2.00 to win, \$2.00 to place, and nothing to show. The telephone was removed from the premises, but neither the husband nor the complainant was arrested.

The position of the telephone company was that it had acted upon reasonable cause in disconnecting the telephone inasmuch as it had received from the Sheriff's Office of Los Angeles County a letter designated herein as Exhibit No. 1, requesting the telephone company to disconnect complainant's telephone service.

After consideration of this record, we find that the action of the telephone company 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). Upon this record it is

questionable that the telephone facilities were used illegally. The order temporarily restoring complainant's telephone service will be made permanent, but complainant is advised that the use of the telephone facility for illegal purposes could result in action depriving her of the use thereof.

O R D E R

The complaint of Nina Longfield against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter being ready for decision, and the Commission being fully advised in the premises and basing its decision upon the record in this case,

IT IS HEREBY ORDERED that the Order of this Commission in Decision No. 50283, dated July 15, 1954, on Case No. 5561, temporarily restoring telephone service to the complainant herein, 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 3rd day of NOVEMBER, 1954.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners