

**ORIGINAL**

Decision No. 50842

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IELEENE LUCY HALLINAN,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 5577

Ieleene Lucy Hallinan, 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 prior to September 28, 1954 complainant was a subscriber and user of telephone service furnished by defendant telephone company under number SYeamore 7-8747 at 870 Arwin Street, Pasadena. On or about September 28, 1954 these telephone facilities were disconnected by the defendant telephone company, after that company had been advised by the Pasadena police that the complainant was using the telephone to violate or aid and abet the violation of the law. It is further alleged that the complainant has made demand upon the defendant company to have the said telephone facilities restored and further that the defendant has refused such demand. Under date of October 19, 1954 the defendant filed an answer, the principal

allegation of which was that it had reasonable cause to believe that the use made or to be made of the telephone facilities in question was prohibited by law and that having such reasonable cause it was required to and did disconnect the said facilities pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held on November 15, 1954 in Los Angeles before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted.

At the hearing the complainant testified that there had been a telephone at her residence, 870 Arwin Street in Pasadena, under number SYcamore 7-8747. This phone had been in the name of her daughter, Alice I. Piper. However, the daughter had moved from that residence in July of 1954, and the phone had remained in the daughter's name until the date of disconnection. She further testified that a so-called representative of a vacuum cleaner company called her on the telephone and offered to pay her \$50.00 a week for receiving and reporting telephone calls from alleged salesmen. She stated that she engaged in this activity for one day, during which time she received calls from the alleged salesmen, in which calls they would transmit to her a number. She would then call a DUnkirk telephone number, identify herself by the code name of Colorado, and transmit the number which the alleged salesmen had given to her.

Testimony by a police officer of the City of Pasadena further developed that on or about September 21, 1954 officers of the Pasadena Police Department entered the premises at 870 Arwin Street and there found Mrs. Hallinan alone in the kitchen. They searched the premises and found a betting marker and while there the phone rang on four occasions. Each time a policewoman answered the phone and received a call such as complainant previously had described. Also while the police were in the house they received a telephone call in which a voice stated "Colorado don't use DUnkirk number it's been hit." The police advised the complainant that they suspected bookmaking activities and she testified that from that time she did not contact the alleged cleaning company. Likewise, the complainant testified that she had used the telephone to place personal bets on horses, but she did not now intend so to do, and further the telephone was necessary inasmuch as her husband is a painting contractor and receives calls in connection with his work.

Exhibit 1 is a letter dated September 24, 1954 received by the defendant telephone company from the Pasadena Police Department requesting that the telephone service in question be disconnected inasmuch as it was being used in violation of the law. The position of the telephone company was that it had disconnected service pursuant to this request and accordingly had acted upon reasonable cause as that term is defined in Decision No. 41415, supra.

An analysis of the evidence in this record discloses that the complainant herein was not a subscriber to the telephone service and accordingly this complaint must be considered as a request for installation rather than restoration of telephone service. Upon this record we find that the telephone facilities in question were being used for bookmaking purposes. We further find that the action of the telephone company was based upon reasonable cause as such term is used in Decision No. 41415, supra. Inasmuch as complainant has been denied telephone service since September 21, 1954, and inasmuch as she has testified she does not now intend to use the facilities illegally and since there is no evidence to indicate any further connection with the alleged cleaning company, we now find that the complainant is entitled to telephone service on the same basis as any other similar subscriber.

O R D E R

The complaint of Ieleene Lucy Hallinan against The Pacific Telephone and Telegraph Company 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 upon the evidence of record and the findings herein,

IT IS ORDERED that The Pacific Telephone and Telegraph Company consider an application for telephone service from the

complainant herein on the same basis as the application of any other subscriber for similar service.

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

Dated at San Francisco, California,  
this 7th day of DECEMBER, 1954.

*John E. Mitchell*  
President

*James J. Cassner*

*Kenneth J. Fetter*

*James J. Roggins*

*Ray C. Lister*  
Commissioners