

**ORIGINAL**Decision No. 51560

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LESLIE L. WOODFORD,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 5621

Leslie L. Woodford, in propria persona.  
Pillsbury, Madison and Sutro, and Lawler,  
Felix and Hall, by L. B. Conant, for  
defendant.

O P I N I O N

The complaint, filed on February 14, 1955 alleges that Leslie L. Woodford of 933 West 53rd Street, Los Angeles, California, prior to September 21, 1954, was a subscriber and user of telephone service furnished by defendant under the number Pleasant 1-4224 at 933 West 53rd Street, Los Angeles; that on or about September 21, 1954, the telephone facilities were disconnected by police officers and were disconnected at the time the complaint was filed; that complainant has made demand upon the defendant to have the telephone facilities restored, but said demand has been refused; that the complainant has suffered and will suffer irreparable injury to his reputation as a result of being deprived of said telephone facilities; and that complainant 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.

On February 23, 1955, by Decision No. 51124 in Case No. 5621, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing on the matter.

On March 3, 1955, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 411415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), had reasonable cause to believe that the telephone service furnished to complainant under number Pleasant 1-4224 at 933 West 53rd Street, Los Angeles, California, was being used or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law.

A public hearing was held in Los Angeles on May 13, 1955, before Examiner Kent C. Rogers, and the matter was submitted.

The complainant testified that on September 21, 1954, he arrived home (933 West 53rd Street, Los Angeles) at between 4:20 and 4:30 p.m.; that he entered the back door and went into the living room where he saw a Mrs. Thompson, who advised him that his wife was in the bedroom with some police officers; that he entered the bedroom and saw his wife talking to a police officer and asked what had happened; that another officer asked complainant who he was and upon being informed took complainant into another bedroom for questioning; that he was questioned concerning bookmaking activities; that thereafter he, his wife,

and Mrs. Thompson were taken first to Georgia Street Hospital and then to Lincoln Heights jail, booked, and held overnight in jail; that the charges against his wife and Mrs. Thompson were dropped and that he was tried for and found not guilty of illegal tampering with the telephone as he allegedly had made an unauthorized extension in the length of the telephone cord; and that he has not been involved in any bookmaking activities or allowed any person to use his telephone for bookmaking activities.

On cross-examination by the defendant's attorney, the complainant testified that in August, 1954, he had made arrangements with Mrs. Thompson to occupy the house; that he retained his telephone and secured another telephone for Mrs. Thompson after she entered the house; and that he did not know Mrs. Thompson had been arrested for bookmaking prior to September 21, 1954, until so informed at Georgia Street Hospital on that date; and that he has two telephones, both with long cords; that the reason is that he and his wife are divorced but both live in the house.

A Los Angeles police officer attached to the Administrative Vice Department testified that on September 21, 1955, he and three other police officers went to the complainant's house; that they arrived there about 4:15 p.m.; that they entered and saw Mrs. Thompson at a table with two telephones, a scratch sheet for that day, and two magic pads (pads on which the writing can be made to disappear by lifting the top sheet); that the officers asked Mrs. Thompson how long she had been making book there, and she said she would not answer until she saw her attorney; that Mrs. Woodford said she had made arrangements for Mrs. Thompson to

be in the house; that complainant arrived home and the witness said he asked complainant how long Mrs. Thompson had been in the house and complainant said not over two weeks on the day of arrest; that he asked the complainant why he had put in a telephone for Mrs. Thompson and the complainant stated that Mrs. Thompson said she had been arrested for bookmaking and had not wanted a telephone in her name. The officer said he found a roll of about 200 feet of telephone wire and the complainant said he used this wire for the purpose of making telephone extensions for people.

The officer further testified that he asked the complainant if he knew Mrs. Thompson was making book and the complainant said he had answered the telephone for her the day before when she was absent.

Mrs. Woodford stated, the officer said, that she knew Mrs. Thompson was answering the telephone and writing down numbers and that she suspected she was making book.

The officer further testified that the complainant stated that Mrs. Thompson had been in complainant's place about two weeks and that he did not see Mrs. Thompson very often as he was gone when she arrived and she left before he arrived home.

While he was in the house the telephone rang on several occasions, the officer said, and the party calling gave him bets on horses racing at various tracks.

The officer said the telephones were removed and all parties were taken to Georgia Street and then to the City Jail and booked on suspicion of bookmaking. Charges against the other

parties were dropped. Complainant was charged with tampering with telephone lines. The officer did not know the ultimate outcome of the matter.

Exhibit No. 1 is a letter from the Police Department of the City of Los Angeles, received by the defendant telephone company on or about September 24, 1954, advising that both telephones at the complainant's home had been confiscated and requesting that defendant make central office disconnections of the telephone services. The position of the telephone company was that, as a result of the receipt of this letter, it acted with reasonable cause as that term is defined in Decision No. 41415, supra, in disconnecting and refusing to reconnect the service until ordered to do so by this Commission.

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. 41415, supra. We further find that the telephone facilities were used for bookmaking purposes.

#### O R D E R

The complaint of Leslie L. Woodford against The Pacific Telephone and Telegraph Company having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

IT IS ORDERED that the complainant's request for restoration of telephone service be denied and that the said complaint be and it hereby is dismissed. The temporary interim relief granted by Decision No. 51124 is hereby set aside and vacated.

IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order the complainant herein may file an application for telephone service, and if such filing is made The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 933 West 53rd Street, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and of the existing applicable law.

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

Dated at San Francisco, California,  
this 9<sup>th</sup> day of August, 1955.

[Signature]  
[Signature] President  
[Signature]

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Commissioners

Justus F. Craemer  
Commissioner Rex Hardy, being  
necessarily absent, did not participate  
in the disposition of this proceeding.