

ORIGINAL

Decision No. 51838

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM ALBERT RICHARDSON)
HELEN E. RICHARDSON)
)
Complainants,)
)
vs.)
)
THE PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY, a corporation,)
)
Defendant.)

Case No. 5654

William Albert Richardson and Helen E. Richardson,
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 May 23, 1955, alleges that William Albert Richardson and Helen E. Richardson reside at 6608 Loma Vista Avenue, Bell, California; that on March 17, 1955, the office of the Sheriff, Los Angeles County, removed the telephone installed on the premises of the above address when they (sic) staged a raid based on suspicion of bookmaking activities being carried on at the subject premises; that at the time of the hearing held on March 24, 1955 there was no complaint filed due to the fact that there was no evidence to support the suspicion; that the complainants have two asthmatic children and need the telephone service for emergency use for doctors and medication; and that complainant, William Albert Richardson is employed nights and his wife, complainant Helen E. Richardson, is without transportation at night.

On June 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 at 6608 Loma Vista Avenue, Bell, 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.

A public hearing was held in Los Angeles on July 29, 1955, before Examiner Kent C. Rogers.

The complainant, William Albert Richardson, testified that he and his wife, the complainant Helen E. Richardson, reside at 6608 Loma Vista Avenue, Bell, California; that prior to March 17, 1955 they were subscribers and users of telephone number LA 7777 at that address; that on March 17, 1955, he and his wife were present at their home and several deputies of the Los Angeles County Sheriff's Department and police officers of the City of Bell came to complainants' home at about 5 p.m.; that his wife was in the kitchen; that three of the officers entered the front door and three entered the back door; that those who entered the back door entered without his consent; that he asked the officers what was going on and one of the officers said the complainant knew what was going on and that complainant was making book; that complainant's wife was kept in a separate room in the house; that the officers remained in the house for about one hour; that the telephone rang on several occasions and the officers answered several times and had his wife answer several times; that an officer told the

witness that he believed the witness knew what was going on, but that the witness had no part in it; that his wife was taken to jail and on March 24, 1955 all charges against her were dismissed; that he has two asthmatic children and needs the telephone to call a doctor; and that he did not use and does not intend to use the telephone for bookmaking purposes.

Complainant Helen E. Richardson testified that on March 17, 1955 six officers entered the complainants' home; that complainants have a telephone in the living room with an extension in the hall; that when the officers entered some of them kept her in the kitchen while others kept her husband in the living room; that the officers asked her who called on the telephone and what the conversations were about; that the officers were there about one hour; that part of the time they had her answer the telephone while one listened on the extension; that when she would pick up the telephone and say hello, there would be no response; that the officers removed the telephones and some of the officers took her to the police station in Bell and then to the County Jail where she was released; that on March 24, 1955 she appeared in court and was released with no charge filed against her; that she did not use the telephone for bookmaking and does not intend to do so.

On cross examination, Mrs. Richardson testified that at the time of the arrest she had been receiving \$60.00 per week for receiving names and telephone numbers over the telephone and later transmitting such names and numbers to a man who would call her on the telephone; that she did this for a man she had met in a bar; that she suspected that what she was doing was wrong, but did not know it was bookmaking.

A Los Angeles County Deputy Sheriff testified that on March 17, 1955 at about 5 p.m., he and three other Deputies Sheriff and two police officers from the City of Bell, California, without a searchwarrant, entered the complainants' home at 6608 Loma Vista, Bell, California; that some of the officers went to the front door and he and two other officers entered the back door; that on entering he saw Mrs. Richardson near the telephone in the front room and Mr. Richardson at the front door; that he took Mrs. Richardson to the kitchen for questioning; that the officers were in the home for about one hour; that the telephone rang on several occasions and he answered it; that the calling parties, at first, simply gave their names and telephone numbers and hung up; that he then started telling the callers that there was trouble on the other end and to give him their bets; that several of them gave him bets on horse races; that Mrs. Richardson told him she was paid \$60.00 a week to take names and telephone numbers; that she knew it was wrong but she needed the money; that at his request Mrs. Richardson gave him a list of names and telephone numbers which list she took from the garbage disposal; that he arrested Mrs. Richardson on suspicion of bookmaking; that she was booked and released and thereafter the complaint was dismissed; and that no bookmaking paraphernalia was found on the premises.

The deputy testified as an expert that in his opinion the place was what is known as a "call back." In such an operation, he said, a person takes the names and telephone numbers of prospective bettors and at some later time a bookmaker calls in and gets the names and telephone numbers and calls the prospective bettors.

That this was so was substantiated, he said, by the fact that the first callers gave their names and numbers and that when these callers were informed that there was trouble at the other end they gave the witness their bets.

A supervisory special agent for the telephone company testified that on March 21, 1955, the telephone company received a letter from the office of the Sheriff of Los Angeles County, which letter was dated March 18, 1955 (Exhibit No. 1), advising the telephone company that complainants' telephone under the number LA 7777, and the extension, were being used for the purpose of transmitting horse-racing information used in connection with bookmaking and that as a result of that information the telephone company made a central office disconnection of the telephone. 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 services until ordered to do so by the 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. It further appears from the admissions of Mrs. Richardson that the telephone was being used by her as an instrumentality directly or indirectly to violate the law, and that, under the circumstances herein described such use would warrant the suspension of telephone service for at least thirty days. In view of the circumstances herein described, however, and the fact that the complainants' service has been disconnected since March 17, 1955, complainants will be permitted to forthwith apply for a restoration of telephone service.

O R D E R

The complaint of William Albert Richardson and Helen E. Richardson 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 complainants' request for restoration of telephone service is denied, and that the said complaint be and it hereby is dismissed.

IT IS FURTHER ORDERED that on 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 complainants' residence at 6008 Loma Vista Avenue, Bell, California, such installation 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 days after the date hereof.

Dated at San Francisco, California,
this 16th day of August, 1955.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners