

ORIGINALDecision No. 52031

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SELMA BUSH,

Complainant,)

vs.)

THE PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY, a corporation,)

Defendant.)

Case No. 5645

Ray M. Davidow, for complainant;
Pillsbury, Madison & Sutro, and Lawler,
Felix & Hall, by L. B. Conant, for
 for defendant.

O P I N I O N

The complaint alleges that Selma Bush of 2041 North Alvarado Street, Los Angeles, California, prior to February 11, 1955, was a subscriber and user of telephone service furnished by defendant under number Normandy 2-1361 at said address; that on or about February 11, 1955, the telephone facilities of the complainant were disconnected by the Administrative Vice Division of the Los Angeles Police Department; that the complainant was arrested for suspicion of bookmaking; that no complaint has ever been filed against complainant for said claimed offense; that the complainant has made demand upon the defendant for restoration of the telephone facilities, but said demand has been refused; that complainant has suffered and will suffer irreparable injury to

her reputation and great hardship 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 May 3, 1955, by Decision No. 51408, this Commission issued an order granting temporary interim relief directing the telephone company to restore telephone service to the complainant pending a hearing on the matter.

On May 13, 1955, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal.P.U.C.853), had reasonable cause to believe that the telephone service under NOrmandy 2-1361 at 2041 North Alvarado Street, Los Angeles, California, was being or was to be used as an instrumentality directly or indirectly to violate the law.

A public hearing was held in Los Angeles on September 6, 1955, before Examiner Kent C. Rogers.

The complainant testified that she resides, and, on February 11, 1955, did reside at 2041 North Alvarado Street, Los Angeles, with her two children; that on and prior to February 11, 1955, she had a boarder named Pat Keenan, also residing at that address; that on Friday, February 11, 1955, she came home from work about noon and found a woman there; that about one hour later the police came to the house and arrested her and this woman; that she needs the telephone because of her job and her two young children; and that she has never used nor permitted the telephone to be used for illegal purposes.

A police officer of the City of Los Angeles, who is connected with the vice detail, testified that on February 11, 1955, he and two other police officers went to 2041 North Alvarado Street, Los Angeles, at about 1:10 p.m.; that they knocked on the door and identified themselves as police officers; that they were admitted by Mrs. Bush; that they entered and saw a Mrs. Harrity by a couch on which was a telephone, a pad containing numerous names and numbers, and a pencil; that the women were placed under arrest; that the telephone rang on numerous occasions over a period of about twenty minutes and the callers gave names and telephone numbers; that they called one of the parties and were given a bet on a horse racing that day at a track in the United States. The witness further testified that Mrs. Harrity said she had been coming there for four days but was not making book; that complainant stated she had been using the telephone for four days for bookmaking and was to get \$35.00 per week, but had not received her first check; that complainant would not state who she had the arrangement with; and that the telephone was removed and the women were booked but the charges against both were later dismissed.

The officer testified that in his opinion the location was what is known as a "call back" spot, which is a telephone location which prospective bettors may call to give their names and telephone numbers and where the bookmaker calls in occasionally for a list of names and numbers to call for bets.

Another police officer testified that at the time of the raid complainant stated she had given Mrs. Harrity permission to use the telephone, and that she knew she was using it for bookmaking but denied taking bets over the telephone.

In rebuttal Mrs. Bush testified that she had been working all day each of the three days preceding the arrest; that Mrs. Harrity was a friend of Pat Keenan, and she herself was not acquainted with the woman. She denied that she said the telephone was used for bookmaking or that she was being paid for receiving the telephone calls.

Exhibit No. 1 is a copy of a letter from the Los Angeles Police Department to the telephone company, requesting that telephone facilities in question be disconnected and advising that the telephone had been confiscated. The parties stipulated that the telephone company received this letter on February 10, 1955, and that a central office disconnection was effected on February 18, 1955. The position of the telephone company was that it 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, referred to supra. We further find that the telephone facilities in question were used for bookmaking purposes.

O R D E R

The complaint of Selma Bush 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. 51408, in Case No. 5645, 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 2041 North Alvarado Street, Los Angeles, 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 4th day of October, 1955.

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