

ORIGINAL

Decision No. 52035

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSE SONNENSCHN,)

Complainant,)

vs.)

Case No. 5634

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

Defendant.)

Rose Sonnenschein, in propria persona.

Pillsbury, Madison & Sutro and Lawler, Felix
& Hall, by E. B. Conant, for defendant.

O P I N I O N

The complaint, filed on March 16, 1955, alleges that Rose Sonnenschein of 4240 Mandalay Drive, Los Angeles, California, prior to January 14, 1955, was a subscriber and user of telephone service furnished by defendant company at that address under number "Angelus" 5789; that on or about January 14, 1955, the telephone facilities were disconnected by members of the vice squad, and were disconnected at the time this complaint was filed; that complainant has made demands upon the defendant for restoration of the telephone facilities, but said demands have 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 March 29, 1955, by Decision No. 51261, in Case No. 5634, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing on the matter.

On April 6, 1955, the telephone company filed an answer, the principal allegations of which were that the complainant was not a subscriber to the telephone service furnished by defendant at 4240 Mandalay Drive, Los Angeles, California, and that pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853) defendant, on or about February 2, 1955, had reasonable cause to believe that the telephone service furnished by defendant under number ANgelus 5789 at 4240 Mandalay Drive, Los Angeles, 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 before Examiner Kent C. Rogers on September 6, 1955, and the matter was submitted.

The complainant testified that she resides alone at her home at 4240 Mandalay Drive, which is near Los Angeles in the County of Los Angeles; that prior to January 14, 1955, she had telephone service at that address under number ANgelus 5789; that on January 14, 1955, she went to work and on returning home found the doors broken and the telephone missing. She further testified that two or three days prior to the said incident she had rented a room to a Mr. Richard Cross and given him a key so he could

move his clothes into the house, but had instructed him not to take possession until Saturday which would have been the day following the said telephone removal. She stated that she never intended that the telephone should be used for an illegal purpose. The telephone has been reinstalled, she said.

A deputy sheriff attached to the vice detail of the Los Angeles County Sheriff's office testified that on January 28, 1955, he and two other deputies sheriff went to the complainant's residence about 3:10 p.m.; that they knocked but received no response so they forced the doors and entered; that they observed therein a Mr. Richard Cross who attempted to run but was caught and forcibly detained; that they first saw Mr. Cross by the dining room table on which was a telephone, a scratch sheet and a betting marker showing bets on horses running that day at various race tracks; that while the officers were in the house the telephone rang on several occasions and the callers gave the officers bets on horse races; that the telephone was removed and Mr. Cross taken into custody; and that he subsequently pleaded guilty to one count of bookmaking.

Exhibit No. 1 is a copy of a letter from the Sheriff of Los Angeles County to the telephone company requesting that the telephone facilities be disconnected. A supervising special agent of the telephone company testified that this letter was received on February 2, 1955, and a central office disconnection was effected on February 4, 1955, pursuant to that request. The position of the telephone company was that it had 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 that term is used in Decision No. 41415, referred to supra. We further find that there is no evidence that complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for bookmaking activities. Therefore, the complainant is now entitled to restoration of telephone service.

O R D E R

The complaint of Rose Sonnenschein against The Pacific Telephone and Telegraph Company, a corporation, 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 and the findings herein,

IT IS ORDERED that the order of the Commission in Decision No. 51261, dated March 29, 1955, temporarily restoring telephone service to the complainant, be made permanent, such restoration 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 22 day of October, 1955.

John E. Kishell
President
Justin J. Cooney
Paul J. Lister
Marion D. Dooly
R. Hardy
Commissioners