

ORIGINALDecision No. 52222

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MERIEM Y. CLEMENT,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case no. 5674

Don Shearer for complainant.Pillsbury, Madison & Sutro and Lawler, Felix
& Hall, by L. S. Conant, for defendant.O P I N I O N

The complaint herein, filed on August 24, 1955, alleges that Meriem Y. Clement of 603 N. Ramona Avenue, Hawthorne, California, prior to June 3, 1955, was a subscriber and user of telephone service furnished by defendant under telephone number OSborne 6-8189; that said telephone was listed in the name of complainant's ex-husband, E. F. Clement; that on or about June 3, 1955, the Sheriff's Office of Los Angeles County removed the telephone from the premises and arrested one Evelyn Stainbrook on a charge of bookmaking; that complainant has made demand upon the telephone company to restore service and it has refused to do so; that complainant has suffered and will suffer great embarrassment, humiliation and hardship as a result of the removal of the telephone services; and that if said telephone services were used for illegal or immoral purposes it was without her knowledge or consent.

On September 2, 1955, the telephone company filed an answer, the principal allegation of which was that it had reasonable cause to believe that the telephone service furnished to complainant under number Osborne 6-8189 at 603 W. Ramona Avenue, Hawthorne, 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, and that, having such reasonable cause, the defendant was required to disconnect the service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held before Examiner Kent C. Rogers on October 21, 1955, at Los Angeles, at which time evidence was adduced and the matter was submitted.

The complainant testified that she resides at 603 W. Ramona Avenue, Hawthorne, California, with her 18-year-old son; that she is divorced from her husband, E. T. Clement; that she is employed at Douglas Aircraft; that she has never been arrested and has never done any bookmaking; that on June 3, 1955, in her absence, the telephone was removed; that for two or three months prior to that day a Mrs. Stainbrook had been doing her housework and that she has not seen Mrs. Stainbrook since the telephone was removed.

A deputy sheriff of Los Angeles County testified that on June 3, 1955, he arrived at the vicinity of complainant's house at 5:30 a.m.; that at 9:55 a.m. Mrs. Stainbrook arrived at complainant's house; that at 11:00 a.m. two other deputies arrived near the premises; that the officers secured a search warrant; that at 12:50 p.m. one of the officers called complainant's house from across the street and placed a bet on a horse running that day at Hollywood Park in California; that at that time the witness and another officer knocked on the door of complainant's house and advised the occupants that

they had a search warrant; that there was no answer so they forced the door; that they found Mrs. Stainbrook on a couch by the telephone with equipment which could be used for recording bets; and that while the officers were on the premises they received bets over the telephone. The officer further stated that Mrs. Stainbrook stated that she had been there for several weeks forwarding bets; and that in his opinion the location was a relay telephone spot where bets are taken and relayed to a bookmaker. The officer stated that Mrs. Stainbrook was arrested and the telephone removed. Subsequently, he said, she was tried and convicted of bookmaking.

A supervising special agent of the telephone company testified that on June 6, 1955, the telephone company received a letter, Exhibit No. 1, from the office of the Sheriff of Los Angeles County, which letter requested that the telephone services at 603 N. Ramona Avenue, Hawthorne, California, be disconnected for the reason that they were being used for illegal purposes. The position of the telephone company was that it had disconnected the service pursuant to the request and accordingly had acted upon "reasonable cause" as that term is defined in Decision No. 41415, referred to supra.

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.

ORDER

The complaint of Meriem Y. Clement 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 complainant's request for restoration of telephone service be granted, and that, upon the filing by the complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's property at 603 N. Ramona Avenue, Hawthorne, 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 Los Angeles, California, this 14th day of November, 1955.

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