

**ORIGINAL**Decision No. 53300

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HERMAN J. KARLSON, )

Complainant, )

vs. )

Case No. 5752 )

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

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Emanuel Cowitt for complainant.Pillsbury, Madison & Sutro, and Lawler, Felix &  
Hall, by L. E. Conant, for defendant.O P I N I O N

The complaint herein, filed on April 3, 1956, by Herman J. Karlson, of 10346 Walnut Avenue, South Gate, California, alleges that on February 4, 1956, the complainant was arrested and charged with suspicion of bookmaking; that thereafter a hearing was held in the Municipal Court of the South Gate Judicial District, and all charges against the complainant were dismissed; that complainant has never used the telephone for such unlawful purpose and has not, to his knowledge, let same be used for such unlawful purpose; that the telephone is necessary in his business; and that his wife is in poor physical condition and a telephone is necessary to her health and welfare.

On April 19, 1956, the telephone company filed an answer, the principal allegation of which was that on or about February 8, 1956, it had reasonable cause to believe that the telephone service furnished to complainant under number LOrain 6-6759 at 10346 Walnut Avenue, South Gate, 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 services pursuant to this Commission's Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on May 22, 1956, and the matter was submitted.

Complainant Herman J. Karlson testified that he is an auto mechanic; that on February 4, 1956, he was working on a car in back of his home and the police arrested him for bookmaking; that the charge was later dismissed; and that he needs the telephone in his business.

Mrs. Karlson testified that on the day of the arrest she had been recording bets over the telephone for four days because she owed money to a bookmaker; that she was convicted of recording bets; that her husband knew nothing of this; and that she will not do it again.

A deputy sheriff attached to the vice detail of the Los Angeles County Sheriff's Office testified that on Saturday, February 4, 1956, he and his partner went to the complainant's house at 10346 Walnut Avenue, South Gate, between 2 p.m. and 4 p.m.;

that he went to the rear gate where complainant was working on a car and asked to be let in; that the other officer went through the front of the house and let him in; that Mrs. Karlson was sitting at a card table in the house; that there was a telephone on the table and betting markers on tracks throughout the United States; that both Mr. and Mrs. Karlson were arrested and the telephone was removed; that the charges against Mr. Karlson were dropped; and that Mrs. Karlson was found guilty of recording bets, paid a fine of \$100 and received a suspended jail sentence.

Exhibit No. 1 is a copy of a letter from the Sheriff of Los Angeles County to the telephone company, dated February 6, 1956, requesting that the telephone facilities be disconnected. An employee of the telephone company testified that this letter was received by the telephone company on February 8, 1956, and a central office disconnection was effected. 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 Herman J. Karlson 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 the complainant's property at 10346 Walnut Avenue, South Gate, 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 26<sup>th</sup> day of June, 1956.

[Signature]  
President  
Justice S. Cooney  
Paul S. [unclear]  
[Signature]  
Commissioners

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