

**ORIGINAL**

Decision No. 5349S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. JOSEPHINE REINERS LIGHTSEY, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 THE PACIFIC TELEPHONE AND TELEGRAPH )  
 COMPANY, a corporation, )  
 )  
 Defendant. )

Case No. 5760

Josephine Reiners Lightsey, 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 herein, filed on May 2, 1956, alleges that Mrs. Josephine Reiners Lightsey resides at 1630 West 59th Street, Los Angeles, California; that on November 30, 1954, the telephone service was removed from her home when police arrested her tenant, Mr. N. Chavez; that she was not home at the time; and that the telephone is necessary to her to enable her to secure employment and in event of an emergency. She prays that the defendant be required to restore her telephone service.

On May 16, 1956, 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 TWinoaks 1497 at 1630 West 59th Street, Los Angeles,

California, on or about December 9, 1954, 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 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 July 3, 1956, and the matter was submitted.

The complainant testified that she works days and, on November 30, 1954, had a tenant named Napoleon Chavez who worked nights; that on November 30, 1954, she went to work before Napoleon Chavez returned home; that when she returned home in the evening the telephone and the tenant were missing; that she inquired and was informed that the telephone had been removed because said Napoleon Chavez was using it for bookmaking purposes; that the telephone has never been reinstalled; that she needs a telephone for emergencies and to help her find employment; and that she has not permitted and will not permit the telephone to be used for illegal purposes.

A Los Angeles City Police officer testified that on November 30, 1954, he and his partner and other police officers arrived at complainant's home about 4:15 p.m.; that they entered the house and found Napoleon Chavez in the rear bedroom seated at a small table with the telephone in his hand and a piece of formica on the table; that Chavez wiped the piece of formica with a wet sponge; that he placed Chavez under arrest; that besides the formica there was a large amount of betting paraphernalia on the premises

including professional type betting markers; that the telephone rang on numerous occasions and on two occasions the witness answered the telephone and was given four wagers on horses running that day at race tracks in the United States; that the telephone and an extension were removed; and that Chavez was held to answer at the preliminary hearing but the complaint was dismissed in the Superior Court.

Exhibit No. 1 is a copy of a letter dated December 4, 1954, from the Commander of the Administrative Vice Division of the Los Angeles Police Department advising the defendant that the telephone and extension had been confiscated and requesting that the telephone facilities be disconnected. An employee of the telephone company testified that Exhibit No. 1 was received by the defendant on December 9, 1956, and that a central office disconnection was thereupon 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 consideration of the 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 Josephine Reiners Lightsey 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 residence at 1630 West 59th 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 31st day of July, 1956.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner JUSTUS F. CRAEMER, being necessarily absent, did not participate in the disposition of this proceeding.