

ORIGINAL

Decision No. 53499

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANDREW LEE ROLLINS

Complainant,

vs.

Case No. 5763

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Walter L. Gordon, Jr., for complainant.

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 8, 1956, alleges that complainant now and at all times mentioned conducted and operated a cigar stand, domino parlor and shoe shining at 5219 South Avalon Boulevard, Los Angeles, California; that complainant had a telephone under number ADams 3-9251 at that address; that said telephone was furnished by the defendant; that within 60 days prior to the filing of the complaint police officers removed the telephone from the premises; that since the removal of the telephone complainant has been without a telephone; that this has greatly handicapped him and caused his business to suffer, and that defendant has refused to reinstate the telephone.

On May 24, 1956, the defendant filed an answer the principal allegation of which was that on or about March 23, 1956

it had reasonable cause to believe that the telephone service furnished to complainant under number ADams 3-9251 at 5219 South Avalon Boulevard, 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, 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 he has a cigar stand, domino parlor and shoe shining stand at 5219 South Avalon Boulevard, Los Angeles; that there are two rooms in his place; that there was a semi-public wall pay telephone in the front room and an extension in the rear room; that on March 21, 1956, this service was disconnected and that to his knowledge the telephone was not used for any illegal purposes.

A police officer attached to the Administrative Vice Detail of the Los Angeles Police Department testified that shortly before the 17th of March, 1956, he was transferred to the area which includes complainant's premises; that on or about that date he and his partner received information that bookmaking activities were being carried on at complainant's premises; that at about 1:35 p.m. on March 17, 1956, he and his partner went to the premises; that the complainant was standing on the sidewalk in front; that they entered and went to the rear room where the extension telephone was; that in the rear room there were three

men near the extension telephone writing in chalk on the wall near the telephone; that the men had a National Daily Reporter Scratch Sheet, and the writing on the wall read "6-27-1-1 AW, 6-28-2-2 AH and 6-2-5-1 BW". The witness further testified that after he was in the room the telephone rang, he answered it and a female voice said "This is me- I won \$100 on the first race, I want to bet on Free Roll in the second at Tanforan to place." The officer testified that he removed the extension telephone but made no arrests. He recommended that the pay station be removed. He said that no one ever said that complainant was a bookmaker; that complainant told him he knew of no bookmaking activities on the premises; and that the witness had never been in complainant's premises before. The witness explained the meaning of the symbols found on the wall and referred to the above as giving the race track, the race, the horse, the amount of the bet and the initials of the better.

Exhibit No. 1 is a letter from the acting chief of police of the City of Los Angeles to the telephone company requesting that the telephone facilities be disconnected and advising that the extension telephone had been removed. A telephone company employee testified that this letter was received by the telephone company on March 23, 1956, and that a central office disconnection was effective 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.

In the light of this record we find that the action of the telephone company was based upon reasonable cause as that 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 Andrew Lee Rollins 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 complainant's request for reinstatement of telephone service be, and it hereby is denied.

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 place of business at 5219 South Avalon Boulevard, 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 January, 1956.

Robert E. Mitchell
President

Charles J. Craemer

William J. Doyle

R. Hardy

Commissioners

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