

ORIGINAL

Decision No. 59915

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

V. M. BLUEM, dba Zebest Products Co.,)

Complainant,)

vs.)

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

Defendant,)

Case No. 5773

Tom C. Williams, for complainant.
Pillsbury, Madison & Sutro and Lawler,
Felix and Hall, by L. B. Conant, for
 defendant.

O P I N I O N

The complaint, filed on May 25, 1956, alleges that complainant V. M. Bluem is doing business as Zebest Products Co., at 2521 La Salle Street, Los Angeles, California; that prior to May 17, 1956, complainant was a subscriber and user of telephone service furnished by defendant under numbers REpublic 1-2701 and REpublic 5-9726 at said address; that on or about May 23, 1956, the said telephone facilities were disconnected by officers attached to the Los Angeles Police Department, claiming that said telephones were being used to receive wagers on horse races contrary to law; that the complainant has made demand upon the defendant to have said telephone facilities restored, but defendant has refused and does now refuse to do

so; that complainant has suffered and will suffer irreparable injury to her business and will suffer great financial loss and 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 June 4, 1956, by Decision No. 53181 in Case No. 5773 this Commission issued an order directing the telephone company to restore telephone service to complainant pending a hearing on the matter.

On June 11, 1956 the telephone company filed an answer the principal allegation of which was that on or about May 21, 1956, it had reasonable cause to believe that the telephone services furnished to complainant under numbers REpublic 1-2701 and REpublic 5-9726 at 2521 La Salle Avenue (sic), Los Angeles, California, were being or were to be used as instrumentalities 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. 41145, 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 September 19, 1956, and the matter was submitted.

The complainant testified that she operates a food extract store at 2521 La Salle Street, Los Angeles; that she had two telephones therein prior to May 17, 1956; that on May

17, 1956, police officers entered the rear of her place of business where she was working and informed her that an employee working in the front of the place of business was using the telephones for bookmaking purposes; that the telephones were removed at that time and subsequently reinstalled on order of the Commission; that she was unaware of any illegal activities concerning the telephones and that she cannot conduct her business without the telephones.

Exhibit No. 1 is a letter from the Commander of the Administrative Vice Division of the Los Angeles Police Department advising the defendant that complainant's telephone service at 2521 La Salle under number REpublic 5-9726 was being used for bookmaking purposes and requesting that it be disconnected. Exhibit No. 2 is a letter from the Commander of the Administrative Vice Division of the Los Angeles Police Department advising the defendant that the complainant's telephone service at 2521 La Salle under number REpublic 1-2701 was being used for bookmaking purposes and requesting that it be disconnected. A telephone company employee testified that Exhibits Nos. 1 and 2 were received on May 21, 1956 and central office disconnections were effected pursuant to the requests. The position of the telephone company was that it had acted with reasonable cause in disconnecting the telephone services inasmuch as it had received the letters designated as Exhibits Nos. 1 and 2.

After a consideration of the record we now find that the telephone company's action was based upon reasonable cause as such term is used in said Decision No. 41115 referred to

supra. We further find that the telephone facilities here in question have not been shown to have been used to aid or abet the violation of the law; therefore, the complainant is now entitled to restoration of telephone service.

O R D E R

A public hearing having been held in the above entitled matter, the Commission being fully advised in the premises and good cause appearing,

IT IS ORDERED that the order of the Commission in Decision No. 53181 dated June 4, 1956, 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 16th day of October, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners