

ORIGINAL

Decision No. 53948

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEON JONES, DBA LEON)
CENTURY SERVICE,)
))
Complainant)
))
vs.)
))
PACIFIC TELEPHONE & TELEGRAPH)
SYSTEM, A CORPORATION,)
))
Defendant.)

Case No. 5806

Leon Jones, in propria persona.

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

Roger Arnebergh, City Attorney, by Alan G. Campbell, Assistant City Attorney, and Walter C. Foster, Deputy City Attorney, for the City of Los Angeles and W. H. Parker, Chief of Police of the City of Los Angeles, interveners.

O P I N I O N

The complaint of Leon Jones, doing business as Leon Century Service, filed on August 14, 1956, alleges that on or about July 5, 1956, the defendant discontinued the telephone service, to-wit: Number TE 49880, at the complainant's place of business, for the reason that an employee of the complainant was charged with using the telephone service to violate the law, namely, bookmaking; that at the time of the arrest the complainant was not on the premises and was never aware of said activities at any time; that as a result of the discontinuance of service the

complainant has lost considerable business as in the operation of his auto repair business and service station the bulk of his customers telephone for pick-up services; and that the use of said telephone service is a necessity in that for the past ten years the complainant has used the same telephone number without change. The complainant prays that telephone service under number Terminal 49880 be restored to his premises located at 305 West Anaheim Boulevard, Wilmington, California.

On August 24, 1956, the telephone company filed an answer, the principal allegation of which was that on or about July 5, 1956, it had reasonable cause to believe that the telephone service furnished to complainant under number Terminal 4-9880 at 305 West Anaheim Boulevard, Wilmington, 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 the Commission's Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing on the complaint was held in Los Angeles on September 27, 1956, before Examiner Kent C. Rogers and the matter was submitted.

The complainant testified that for ten years he has had a service station and garage at 305 West Anaheim Boulevard, Wilmington, California; that on July 5, 1956, he had an employee by the name of Beason working on the premises; that Beason was arrested for bookmaking at complainant's place of business in complainant's absence on July 5, 1956; and that the telephone

was later removed. He further testified that Beason is still employed by him and that the telephone has not been reinstalled.

On cross-examination by the defendant, the complainant testified that he has never used the telephone for accepting or forwarding bets; and that he has advised Beason that he will have to quit bookmaking.

On cross-examination by the City, the complainant testified that Beason had been employed by complainant at the above referred to place of business for about 2½ months prior to the arrest; that complainant has taken bets over the telephone a few times and placed the bets with people going to the race tracks; that he does not take bets at present as he cannot make any money at it; and that he has never used the telephone to do business with a bookmaker. He further testified that he does not know where bets can be placed at present, and that he knows many bookmakers but has not placed bets with them.

Exhibit No. 1 is a copy of a letter from the Chief of Police of the City of Los Angeles to the telephone company, advising it that complainant's telephone facilities at 305 West Anaheim, Wilmington, under number Terminal 4-9880, were being used to forward and receive bets. A telephone company employee testified that this letter was received by the telephone company on July 5, 1956, and a central office disconnection was effected pursuant to that request, and the service is still disconnected. The position of the telephone company was that it had acted with reasonable cause, as that term is used in Decision No. 41415, referred to supra, in disconnecting the telephone service inasmuch

as it had received the letter designated as Exhibit No. 1.

The intervener, City of Los Angeles, presented evidence through three of its police officers.

A sergeant of the Los Angeles Police Department, in charge of the Harbor Division Vice Detail, testified that he had, prior to June 27, 1956, received information that bookmaking activities were being conducted at complainant's place of business and that complainant would take bets; that on June 27, 1956, he made arrangements for a policewoman to call and place a bet; that the policewoman called, but about the time of the call the complainant left the premises and complainant's employee Beason took the policewoman's bet and marked it on the wall of complainant's shop; that Beason was placed under arrest for bookmaking; and that, in addition to the recording of the policewoman's bet, the officers found a betting marker in Beason's handwriting on the premises; that Beason pleaded guilty to bookmaking; and that Beason is still employed by complainant. He testified that in his opinion the telephone of complainant was a relay spot, or a number which a better calls and from which the bet is relayed to a bookmaker.

A policewoman of the Los Angeles Police Department testified that, pursuant to instructions from her superior, at about 3:55 p.m., on June 27, 1956, she called telephone number Terminal 4-9880 and placed a bet with the party who answered the phone.

Another police officer of the City of Los Angeles testified that he and the aforementioned officers were investigating

complainant's place of business; that arrangements were made to have the above referred to policewoman telephone a bet over complainant's telephone at 3:55 p.m., on June 27, 1956; that the call was made and Beason answered the complainant's telephone and wrote the bet on the service station wall; that the bet recorded was the bet the policewoman had placed; that Beason was arrested and he stated that he had been working at the station for three months and taking bets for two months, and that he passes the action on to Leon. The officer further testified that while he was in the station the telephone rang on several occasions and when he answered the party calling hung up, except that on one occasion he was given a bet over the telephone, and on another occasion the party calling asked for the results of a horse race.

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 book-making purposes.

O R D E R

The complaint of Leon Jones 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 restoration of telephone service be denied and that the complaint be, and it hereby is, dismissed.

IT IS FURTHER ORDERED that, upon the expiration of sixty 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 305 West Anaheim Boulevard, Wilmington, 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 23rd day of October, 1956.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners