

ORIGINAL

Decision No. 54142

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BETTY SULLIVAN,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY, a corporation,)
)
 Defendant.)

Case No. 5813

Betty Sullivan, in propria persona.

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

Roger Arnebergh, City Attorney, by Walter C. Foster,
Deputy City Attorney, for the Sheriff's
Department, Los Angeles County, intervener.

O P I N I O N

The complaint of Betty Sullivan filed on August 24, 1956, alleges that in February, 1956, complainant rented an apartment at 2263 1/2 Silver Ridge Avenue, Los Angeles, from Glen Palma; that defendant installed on the premises a telephone with number Normandy 2-0605; that because of illness complainant was absent from the premises from about June 20, 1956, to July 5, 1956; that prior to leaving the premises complainant authorized Glen Palma to enter the premises to repair a faucet; that when complainant returned to the premises on July 5, 1956, the front door was smashed and the telephone was missing; that complainant was informed that on

July 5th Los Angeles City police officers entered her apartment and arrested Mr. Palma for bookmaking activities and removed the telephone; and that complainant had no previous knowledge of Mr. Palma's illegal activities and had authorized Mr. Palma to use her apartment only for the purpose of fixing a faucet in her absence.

On September 7, 1956, the telephone company filed an answer, the principal allegation of which was that pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), defendant, on or about July 10, 1956, had reasonable cause to believe that the telephone service furnished by defendant under Normandy 2-0605 at 2263 $\frac{1}{2}$ Silver Ridge Avenue, 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.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on October 15, 1956, and the matter was submitted.

The complainant testified that the allegations of the complaint are true. She further testified that her residence is one of a group of bungalows in a court comprised of numbers 2263, 2263 $\frac{1}{4}$, 2263 $\frac{1}{2}$ and 2263-3/4 Silver Ridge Avenue; that she resides alone at 2263 $\frac{1}{2}$ Silver Ridge Avenue, and that she needs a telephone.

Exhibit No. 1 is a copy of a letter from a captain of the Los Angeles City Police Department advising defendant that complainant's telephone, number Normandy 2-0605, located at 2263 $\frac{1}{2}$ Silver Ridge Avenue, was, on July 5, 1956, being used for

the purpose of disseminating horse racing information in connection with bookmaking in violation of Section 337a of the Penal Code, that the telephone had been confiscated and requesting that the defendant disconnect the service. A telephone company employee testified that this letter was received by the defendant on July 10, 1956, and a central office disconnection was effected thereafter. 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.

A Los Angeles City police officer testified that on June 19, 1956, he had information that Mr. Glen Palma, complainant's landlord, was conducting a bookmaking operation at his home at 2357 Eads Street, Los Angeles; that on June 21, 1956, he followed Mr. Palma to complainant's home; that Mr. Palma stayed there all day and was observed there by the witness on several subsequent days; that on several occasions between June 21 and July 5, 1956, complainant and her car were observed near her premises and she was seen talking to Palma; that on July 3, 1956, he heard Palma place a bet over the telephone at 2263½ Silver Ridge Avenue; that on July 5, 1956, he and his partners went to complainant's apartment at 2263½ Silver Ridge Avenue; that they observed Palma there hiding scratch sheets and betting markers; that he and his partners entered complainant's premises and found a scratch sheet and betting markers; that the telephone rang and the witness answered and the calling party hung up; and that in

a period of thirty minutes the telephone rang 18 to 20 times and the parties hung up when the witness answered the telephone.

While there is a strong inference from the evidence adduced that the telephone was used for illegal purposes, there is no direct evidence of such use.

After 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 illegal purposes. Therefore, the complainant is now entitled to restoration of telephone service. The complainant will be expected, in the future, to see that Glen Palma does not have the use of complainant's premises in her absence.

O R D E R

The complaint of Betty Sullivan 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 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 complainant's residence at 2263 $\frac{1}{2}$ Silver Ridge Avenue, 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 27th day of NOVEMBER, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners