

Decision No. 54579

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GLADYS SINGLETON,

Petitioner,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Respondent.

Case No. 5860

Herbert A. Greenwood, for petitioner.

Lawler, Felix & Hall, by L. B. Conant, for  
respondent.

Roger Arnebergh and Walter C. Foster, by  
Walter C. Foster, for the Police Department  
of the City of Los Angeles, intervener.

O P I N I O N

The petition of Gladys Singleton filed on December 7, 1956, alleges that she resides at 2326 W. 22nd Street, Los Angeles, California; that prior to June 28, 1956, she was a subscriber and user of telephone service furnished by respondent under number REpublic 2-7294 at 2326 West 22nd Street, Los Angeles, California; that on or about June 28, 1956, the telephone facilities of petitioner were disconnected by police officers of the City of Los Angeles, and said telephone facilities were disconnected at the time of the filing of the petition; that petitioner has demanded of the respondent that it restore the telephone facilities but respondent refuses to do so; and that petitioner has suffered and will suffer irreparable injury to her reputation and great hardship as a result of being deprived of said

telephone facilities. Petitioner requests an order restoring her telephone service.

On December 21, 1956, the respondent 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) respondent on or about July 5, 1956, had reasonable cause to believe that the telephone service furnished by respondent under number REpublic 2-7294 at 2326 West 22nd Street, 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 on the petition was held in Los Angeles on January 31, 1957, before Examiner Kent C. Rogers, and the matter was submitted.

The petitioner testified that on June 28, 1956, and for several years prior thereto, she resided at 2326 West 22nd Street, Los Angeles, and had a telephone therein furnished by the respondent; that she has a regular job at nights from 5 p.m. to 1 a.m., and works about three days a week in the daytime, also; that her daughter, Mary Wade, stays with her and is usually employed but since the latter part of May, 1956, had been unemployed and was staying at home; that on June 25, 1956, she went shopping and arrived home about 2:30 p.m.; that shortly thereafter the police broke in her front and back doors and arrested her daughter Mary who was in her bedroom; that the police asked Mary if she had taken bets and Mary said yes; that the telephone with a long cord was in Mary's bedroom and the petitioner never heard her take any bets; that Mary was fined and placed on a year's probation; that at the time of the arrest petitioner had been back for one week from vacation; that she never took any bets; that she needs the telephone in order to get part-time employment, and to call or receive calls from her

regular employer; and that she has had no telephone service since June 28, 1956.

By stipulation of the parties, a group of six letters attesting to petitioner's good character was received in evidence as Exhibit No. 1.

Petitioner's supervisor testified that she has been employed as a janitress by the Southern California Edison Company for four years; that she is a good worker; and that she goes to church regularly.

Exhibit No. 2 is a letter from the commanding captain of the Administrative Vice Division of the Los Angeles Police Department advising the respondent that petitioner's telephone was used for bookmaking purposes on June 28, 1956, and that the telephone was removed and requesting that the service be disconnected by the respondent. A telephone company employee testified that Exhibit No. 2 was received by respondent on July 3, 1956, and that a central office disconnection was effected on that date pursuant to that request. The position of the telephone company was that it had acted with reasonable cause, as that term is defined in Decision No. 411415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 2.

The parties stipulated that on June 28, 1956, a police officer placed a horse race bet over petitioner's telephone with petitioner's daughter, Mary Wade. A police officer testified that three weeks prior to June 28, 1956, the Vice Detail of the Los Angeles Police Department received information that petitioner's telephone was being used for bookmaking purposes; that he placed a bet over the telephone with Mary Wade on June 28, 1956, as stipulated; that Mary said she had been taking bets for about one week; that the telephone

was in the front part of the house, but had a long cord, and the telephone was in Mary's bedroom which was separate from the petitioner's; that there were in Mary's room betting markers and a scratch sheet, all for the day of the arrest; that Mary said petitioner did not know about the betting; and that while he was on the premises on June 28, 1956, he was given a horse race bet over the telephone by an unknown male.

At the close of the hearing the attorney for the intervenor stated that Mary Wade had paid a fine and had been placed on probation, and recommended leniency.

After consideration of the record herein we find that the action of the telephone company was based upon reasonable cause, as that term is used in Decision No. 41115, referred to supra. We further find that the petitioner's telephone was used for illegal purposes but there is no evidence to indicate that the petitioner herein was engaged in, or was directly connected with, any illegal activities or knew that her telephone was being used for illegal purposes. In addition, petitioner has been deprived of telephone service for a period in excess of seven months. We find, therefore, that petitioner is now entitled to a restoration of telephone service.

O R D E R

The petition of Gladys Singleton 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 petitioner's request for restoration of telephone service be granted, and that, upon the filing by the

petitioner of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at petitioner's residence at 2326 West 22nd Street, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of September, 1957.

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

Commissioners

Commissioner Rox Hardy, being necessarily absent, did not participate in the disposition of this proceeding.