

ORIGINAL

Decision No. 54782

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LORENE AVIS POUNDS and TROY POUNDS,  
Complainants,

vs.

GENERAL TELEPHONE COMPANY OF CALIFORNIA  
IN WHITTIER, a corporation,  
Defendant.

Case No. 5885

Lorene Avis Pounds and Troy Pounds, in propria personae.

K. Richard Edsall, for defendant.

Norman G. Oliver, Deputy County Counsel, for the  
Sheriff's Department, Los Angeles County, intervener.

O P I N I O N

In the complaint herein, filed on January 22, 1957, the complainants allege that they are husband and wife and reside at 10221 East Beverly Boulevard, Whittier, California; that complainant Lorene Avis Pounds was arrested on or about March 24, 1955, at said address for the violation of Section 337a, Subdivision 1, of the California Penal Code, relating to bookmaking; that on or about April 14, 1955, said Lorene Avis Pounds pleaded guilty to said violation, was fined \$75.00, and was placed on probation for three years; that it is necessary that said Lorene Avis Pounds have a telephone due to her varied hours of employment; that complainant Troy Pounds was unaware that the telephone was used for illegal purposes; that Troy Pounds is gainfully employed as a new

and used car preparation man which requires his presence at his place of employment immediately upon notice; and that lack of a telephone in his home works a serious hardship upon Troy Pounds and unless he is granted telephone service his employer may terminate his employment.

On February 4, 1957, the defendant filed an answer in which, among other things, it states that on March 24, 1955, it received a letter from the Sheriff of Los Angeles County requesting that defendant disconnect telephone service at complainants' residence pursuant to the Commission's Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853); that pursuant to such request the defendant disconnected complainants' telephone service on said date; and that in disconnecting said service defendant acted with reasonable cause as that term is defined in said Decision No. 41415.

A public hearing on the complaint was held in Whittier before Examiner Kent C. Rogers on March 6, 1957, and the matter was submitted.

Complainant Troy Pounds testified that he lives with complainant Lorene Avis Pounds at 10221 East Beverly Boulevard, Whittier, California; that he married Mrs. Pounds about a year prior to March 24, 1955, and commenced residing at her house; that on March 24, 1955, his wife was arrested and the telephone removed in his absence; that he did not permit the telephone to be used for illegal purposes; and that it is essential that he have a telephone in order to maintain his employment.

Complainant Lorene Avis Pounds testified that she was formerly married to a Mr. Davis and resided with him at 10221 East

Beverly Boulevard, Whittier; that she divorced Mr. Davis, and married complainant Troy Pounds on July 4, 1954, and the two complainants continued to reside at said address; that prior to her marriage to Troy Pounds she had a telephone on the premises under the name of Lorene Davis and this telephone remained on the premises until March 24, 1955, when it was removed by Los Angeles County Sheriff's deputies; that she is a waitress but on the day of her marriage to Troy Pounds she broke her arm and was unable to work until after March 24, 1955; that about one week prior to March 24, 1955, she commenced relaying horse bets over the telephone for a man for 10 percent of the winnings; that on March 24, 1955, in the absence of her husband she was arrested at her home for bookmaking and the telephone was removed; that she pleaded guilty to a violation of Section 337a of the Penal Code, paid a fine of \$75.00, and was placed on probation for three years; and that if the telephone is reinstalled she will not permit it to be used for any illegal purposes. She further testified that she has been unable to secure a telephone in her home since March 24, 1955.

A Los Angeles County Deputy Sheriff attached to the Vice Detail corroborated Lorene Avis Pounds' testimony that she had pleaded guilty, paid a fine, and been placed on probation. He added that at the time of the arrest there was also present in her home a known and convicted bookmaker. The intervener opposed the reinstallation of service for the reason that Mrs. Pounds was acquainted with and continues to see the known bookmaker.

Mrs. Pounds testified that she has not seen the bookmaker for over a year.

Exhibit No. 1 is a copy of a letter from the captain in charge of the Vice Detail of the Los Angeles County Sheriff's Department to the defendant dated March 24, 1955, advising the defendant that complainants' telephone was on said date being used in connection with bookmaking; that the telephone had been confiscated; and requesting that it be disconnected. Exhibit No. 2 is a letter from the defendant to Mrs. Lorene Davis (now Lorene Avis Pounds) notifying her that pursuant to notice from the Sheriff (Exhibit No. 1) it had disconnected her telephone on March 24, 1955. The position of the telephone company was that it had acted with reasonable cause, as that term is defined in Decision No. 41415, referred to supra, in disconnecting and refusing to reconnect complainants' telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

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 complainants are entitled to telephone service on the same basis as any other similar subscriber inasmuch as Lorene Avis Pounds has paid the penalty for any violation of the Penal Code which she may have committed, and there is no indication that either of the complainants will in the future use the telephone facilities in an unlawful manner. Inasmuch as the complainants

have been without telephone service since March 24, 1955, and it appears that a residential telephone is required by Troy Pounds as soon as possible in order that he not be deprived of employment, the order herein will be made effective immediately.

O R D E R

The complaint of Lorene Avis Pounds and Troy Pounds against General Telephone Company of California, 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 within five days after the filing by complainants, or either of them, after the effective date of this order, of an application for telephone service as provided in defendant's tariff on file with this Commission, defendant, General Telephone Company of California, a corporation, shall replace the telephone service at complainants' residence at 10221 East Beverly Boulevard, Whittier, California, said telephone service to be at least equivalent to that furnished by defendant at said address on and prior to March 24, 1955, to Mrs. Lorene Davis, unless otherwise requested by the complainants, provided that said service shall be subject to all duly authorized rules and regulations of the telephone company and the existing applicable law.

This order shall be served by registered mail, special delivery, on the defendant, and the effective date hereof shall be one day after the date of such service.

Dated at San Francisco, California,  
this 2nd day of APRIL, 1957.

Robert Mitchell President  
Raymond L. Wintergreen  
William H. ...  
R. ...  
E. ... Commissioners