

Decision No. 55301**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANKIE J. BOHANNON,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY,

Defendant.

Case No. 5923

Claude Vibart Worrell and James R. Abernathy,  
by James R. Abernathy, for complainant.  
Lawler, Felix and Hall, by John M. Sink, for  
defendant.

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

O P I N I O N

In the complaint herein, filed on April 5, 1957, Frankie J. Bohannon alleges that she resides at 146½ west 81st Street, Los Angeles, California; that for over one year she has had telephone service furnished at that address by the defendant under number Pleasant 1-7903; that the defendant interrupted said service and has refused to restore said service despite several requests and demands therefor by the complainant; that she is informed and believes and therefore alleges that the defendant interrupted her telephone service as a result of a complaint made by the Los Angeles Police Department; that she has no knowledge of any illegal use of her telephone services, or any use of her telephone for illegal purposes; that neither she nor any member of her family has been charged with any offense showing illegal use of her telephone; and

that she has been severely damaged and inconvenienced as a result of her inability to have her telephone service restored.

On April 16, 1957, by Decision No. 54845, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing in the matter.

On April 29, 1957, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853) on or about September 24, 1956, had reasonable cause to believe that the telephone service furnished to complainant under number Pleasant 1-7903 at 146½ West 81st 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, and that, having such reasonable cause the defendant was required to disconnect the service.

A public hearing was held in Los Angeles on June 25, 1957, before Examiner Kent C. Rogers, and the matter was submitted.

The complainant testified that prior to September 20, 1956, she had a telephone furnished by defendant at her apartment at 146½ West 81st Street, Los Angeles, California; that she and her husband work but on that day she was home; that she received a telephone call by some man who wanted to place a bet; that about five minutes later police came and arrested her for bookmaking and removed her telephone; that she was taken to jail and booked but no charges were filed against her and she was released on a writ of habeas corpus; that she has never used the telephone for illegal purposes and has no knowledge of any illegal use thereof; and that she needs a telephone. No evidence was presented by the Police Department.

Exhibit No. 1 is a copy of a letter from the Commander of the Administrative Vice Division of the Los Angeles Police Department to the telephone company advising it that the complainant's telephone was being used for disseminating horse racing information which was being used in connection with bookmaking on September 20, 1956; that the telephone had been confiscated; and requesting that the defendant disconnect said services. An employee of the telephone company in the office of the Chief Special Agent therein testified that this letter was received on September 25, 1956, and a central office disconnection was effected shortly thereafter pursuant to the request. 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.

After full 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, 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.

O R D E R

The complaint of Frankie J. Bohannon 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 the order of the Commission in Decision No. 54845, dated April 16, 1957, 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 22nd day of July, 1957.

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President  
*Raul J. ...*  
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*Walter ...*  
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*F. ...*  
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*E. ...*  
Commissioners