

Decision No. 55986

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JESSIE K. BOWLES and JOHN BOWLES,
 Complainants,
 vs.
 PACIFIC TELEPHONE & TELEGRAPH COMPANY,
 a corporation,
 Defendant.

Case No. 5978

John Bowles, for complainants.
Lawler, Felix & Hall, by Gene Otsea, for defendant.
Roger Arnebergh, city attorney, by John T. Neville,
 deputy city attorney, for Los Angeles Police
 Department, intervener.

O P I N I O N

The complaint, filed on September 3, 1957, alleges that Jessie K. Bowles and John Bowles reside at 3043 Vineyard Avenue, Los Angeles, California; that the complainants are husband and wife; that some time prior to the 13th day of August, 1957, Jessie K. Bowles, on behalf of herself and her husband, John Bowles, had a telephone installed at 3043 Vineyard Avenue under number Republic 3-9029; that approximately one week prior to the 13th day of August, complainants permitted a person by the name of Jean Jones to use said telephone for personal reasons; that on or about said date, the Los Angeles Police Department arrested said Jean Jones on a charge of bookmaking and removed the telephone instrument from the home of the complainants; that the defendant has refused to restore telephone service to the home of the complainants; and that the complainants had no knowledge that said telephone service had been or was being used for any illegal purpose.

On September 26, 1957, the defendant filed an answer to the complaint, the principal allegation of which was that, on or about August 13, 1957, defendant had reasonable cause to believe that the telephone service furnished to complainant Jessie K. Bowles under number Republic 3-9029, at 3043 Vineyard 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; and that having such reasonable cause the defendant was required to disconnect service pursuant to this Commission's Decision No. 41415, dated April 6, 1948 in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on November 1, 1957 and the matter was submitted.

Complainant John Bowles testified that he is the husband of Jessie K. Bowles; that he and his wife had resided at 3043 Vineyard Avenue, Los Angeles, for six years prior to August 13, 1957 and that they now reside at those premises; that prior to August 13, 1957 the defendant furnished a telephone at said premises under number Republic 3-9029; that both he and his wife work between approximately 7:30 in the morning and 3:30 in the afternoon; that approximately one week prior to August 13, 1957, he and his wife hired a lady named Jean Jones to do their housework; that on or about August 13, 1957, his wife informed him that Jean Jones had been arrested; and that when he returned home that night the telephone was gone. The witness further testified that he would never allow the telephone to be used for bookmaking and that he would not permit Jean Jones to so use the telephone.

A Los Angeles city police officer attached to the Vice Detail testified that, on August 13, 1957 at about 3:00 p.m., he called the complainants' number, Republic 3-9029; that a female voice

answered; that the witness said, "This is Sol" and that he wanted to place a bet on the horse races and gave the name of a horse and the race and said that he was placing a \$50 bet; that the female voice said she did not know Sol; that the witness said she was not supposed to; that the female voice finally accepted the bet; that the witness and other officers immediately went to the complainants' premises; that the officers knocked at the door and no one answered and the officers broke down the door; that Jean Jones was the only occupant of the house; that a telephone with the number Republic 3-9029 was in the premises; that there was a table on which the telephone was placed and a pad with pencil notations which the officer testified were betting markers; that upon a couch in the room was a National Daily Reporter scratch sheet; that on a pad on the table the officer saw the betting marker containing the \$50 bet that he had placed over the telephone; that he and the other officers were on the premises approximately 1-1/2 hours; that the telephone rang on several occasions; that the witness answered the phone and the parties calling asked for Jean Jones; and that the officer said he would take the bets but the parties calling said they would wait. The officer further testified that Jean Jones was arrested; that she was asked how long she had been taking bets over the telephone at the complainants' premises and she said two weeks; that she was just out of the hospital and could not do hard work and that taking bets was easy work; and that after she had taken the \$50 bet she became suspicious and started to hide the paraphernalia. The witness testified that the telephone was removed and Jean Jones was placed under arrest.

Exhibit No. 1 is a copy of a letter from the Police Department of the City of Los Angeles to the telephone company advising

the telephone company that the telephone of Jessie K. Bowles, under number Republic 3-9029 on August 13, 1957, was being used for disseminating horse racing information in connection with bookmaking in violation of Section 337a of the Penal Code; that the telephone had been removed; and requesting that the complainant disconnect the telephone. An employee of the telephone company testified that this letter was received on August 15, 1957, and that pursuant thereto the telephone was disconnected on August 22, 1957. The position of the telephone company was that it had acted with reasonable cause, as that term is defined in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

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 bookmaking purposes.

O R D E R

The complaint of Jessie K. Bowles and John Bowles against the Pacific Telephone & 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 complainants' request for telephone service be denied. The complaint should not be dismissed. It is being decided.

IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order, the complainants

herein, or either of them, may file an application for telephone service, and if such filing is made, the Pacific Telephone & Telegraph Company shall install telephone service at complainants' residence at 3043 Vineyard 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 16th day of December, 1957.

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