

ORIGINAL

Decision No. 56132

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. RAYMOND A. GROVER,  
Complainant,

Vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,  
Defendant.

Case No. 5997

Mrs. Raymond A. Grover, in propria persona.

Lawler, Felix & Hall, by Gene Otsea, for the  
defendant.

Robert C. Lynch, Deputy County Counsel, for the  
Los Angeles County Sheriff's Department,  
intervener.

O P I N I O N

By the complaint herein filed on October 21, 1957, by Mrs. Raymond A. Grover of 2853 Hope Street, Huntington Park, California, it is alleged that complainant has resided for more than fifteen years last past at the said address; that at all times prior to September 30, 1957, the defendant had, for a valuable consideration, furnished a telephone service to the complainant's residence; that on or about September 30, 1957, the said telephone was removed from the premises without the permission, consent, or as a result of any act or acts on the part of complainant; that complainant has requested of defendant that the defendant furnish complainant with a telephone, but the defendant has refused to do so and still refuses to do so.

On November 4, 1957, the telephone company filed an answer in which it alleges that Raymond A. Grover, prior to September 30, 1957, was a subscriber of telephone service at complainant's address; and 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, 1957, had reasonable cause to believe that the telephone service furnished to said Raymond A. Grover under number LUdlow 8-4644 at 2853 Hope Street, Huntington Park, 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 defendant discontinued said service on September 30, 1957, pursuant to Decision No. 41415, referred to supra.

A public hearing was held in Los Angeles on December 17, 1957, before Examiner Kent C. Rogers.

The complainant is not the subscriber to the telephone service, the subscriber being Raymond A. Grover. The complainant testified generally that she resides at 2853 Hope Street, Huntington Park; that she is employed in the daytime five days per week; that her husband, Raymond A. Grover, works at night; that she has two daughters, one nineteen years of age who is in college and away from home, and one fourteen years of age who is residing at home; that complainant is a curriculum consultant in a public school district, and it is often necessary for teachers to telephone complainant at her home and at times it is necessary for the school district to be able to call her for evening work; that on or about September 19, 1957, she went to work in the morning and the telephone was in her

home, but when she returned at night the telephone was gone; and that she found that her husband had been arrested for bookmaking. The witness further testified that a telephone is necessary because of her employment, and that it is also necessary due to the fact that her fourteen-year old daughter is at times alone at nights in the home. Mr. Grover was in court, but all he testified to was that whatever happened was not the fault of Mrs. Grover and that she needs a telephone in her employment.

A deputy sheriff attached to the Vice Detail of the Los Angeles County Sheriff's Department testified that on September 19, 1957, he called the telephone number of complainant's home, LUdlow 8-4644; that a male voice answered; that he placed a horse racing bet over the telephone with the man who answered, and was advised by this party to come right over and pay the amount of the bet; that he and his partner immediately entered the complainant's premises at 2853 Hope Street, Huntington Park; that Raymond A. Grover was alone therein and was seated at a desk in the living room talking over the telephone, and had the Mirror-News sport sheet in front of him; that Mr. Grover was talking about races and the horses running in the races; that the witness identified himself and arrested Mr. Grover on a charge of bookmaking; and that Mr. Grover has had a preliminary hearing and his trial on the bookmaking charge is pending in the Superior Court.

Exhibit No. 1 is a letter dated September 20, 1957, from the office of the Sheriff of Los Angeles County to the defendant, advising defendant that complainant's telephone number, LU 8-4644, located at 2853 Hope Street, was on September 19, 1957, being used

for the purpose of disseminating horse racing information which was being used in connection with bookmaking; that the telephone had been confiscated; and requesting that the service be disconnected. An employee of the telephone company testified that this letter, Exhibit No. 1, was received by the telephone company on September 24, 1957, and that a central office disconnection was effected on September 30, 1957. 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, referred to supra. We further find that the telephone furnished to Raymond A. Grover at 2853 Hope Street, Huntington Park, was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing.

O R D E R

The complaint of Mrs. Raymond A. Grover against The Pacific Telephone and 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 complainant's request for restoration of telephone service is denied.

IT IS FURTHER ORDERED that upon the expiration of ten days after the effective date of this order the complainant herein may

file an application for telephone service in her own name, and if such application is made The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 2853 Hope Street, Huntington Park, 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 21<sup>st</sup> day of January, 1958.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners