

ORIGINAL

Decision No. 56248

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MYRTLE COOK,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELE-
GRAPH COMPANY,

Defendant.

Case No. 6014

Franklin D. Laven, attorney for complainant.

Lawler, Felix and Hall, by Thomas E. Workman, Jr.,
for defendant.

Roger Arnebergh, City Attorney, by Patrick Coleman,
Deputy City Attorney for the Los Angeles
Police Department, intervener.

O P I N I O N

By the complaint herein filed on November 21, 1957, Myrtle Cook, complainant, alleges that she resides at 2669 South Harcourt Avenue, Los Angeles, California; that she requested that the defendant reinstall a telephone at said address which had been removed by the Los Angeles Police Department, in the course of an investigation in connection with bookmaking activity; that no complaint was ever filed in the matter; that said telephone was being used by persons other than the complainant and without the permission and consent of the complainant; and that any illegal use of the telephone was without her consent, knowledge, or permission.

On December 6, 1957, the telephone company filed an answer, the principal allegation of which was that on or about August 23, 1957, it had reasonable cause to believe that the telephone service furnished to complainant under number REpublic 1-6074 at 2669 South Harcourt Avenue, Los Angeles, 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 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 January 22, 1958, and the matter was submitted.

At the outset of the hearing the parties, including the intervener, stipulated that on or about August 22, 1957, the telephone company had reasonable cause to believe that the telephone service of the complainant was used for illegal purposes and that in accordance with said belief and in conformance with Decision No. 41415, referred to supra, the telephone company did on August 27, 1957, discontinue and disconnect the said telephone services of complainant. (See Exhibit No. 1.) It was further stipulated that on or about August 22, 1957, a woman known as Doris Lagras, complainant's daughter, was arrested on the premises and that no complaint was ever filed against the complainant or the daughter.

The complainant, Myrtle Cook, testified that she is an aircraft assembler employed by Douglas Aircraft Company in Santa Monica and that she needs a telephone in connection with said work; that she is active in church work and also needs a telephone in connection

with said activities; that she has never at any time had any knowledge that the telephone was being used for illegal purposes; that she was informed in August 1957 that her daughter, Doris Lagras, who was living with her at the time, used the telephone for bookmaking purposes; that she will not permit the daughter to use the telephone for such purposes in the future; and that she will not permit the telephone to be used for any illegal purposes in the future.

Except for the stipulation heretofore referred to, neither defendant nor the intervener presented any evidence. It was the position of the telephone company that it had acted upon reasonable cause as that term is defined 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 find that the telephone company's action was based upon reasonable cause as that term is defined in Decision No. 41415, referred to supra. We further find that there is no evidence that the telephone was used for illegal purposes or the complainant knew that the telephone was used for illegal purposes or permitted it to be used for illegal purposes. Therefore the complainant is entitled to the restoration of her telephone service.

O R D E R

The complaint of Myrtle Cook 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 on the evidence of record and the findings herein,

IT IS ORDERED that complainant's request for restoration of telephone service be granted, and that upon the filing by complainant of an application for telephone service The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 2669 South Harcourt Avenue, Los Angeles, 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 18th day of February, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioner