

**ORIGINAL**

Decision No. 56980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DORIS NEWMAN, aka DORIS BORNEMAN,  
Complainant,

Case No. 6079

vs

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

Doris Borneman, also known as Doris Newman, and  
George Chula, for complainant.  
Lawler, Felix & Hall, by Thomas E. Workman, Jr.,  
for defendant.

O P I N I O N

Public hearing was held in this matter in Los Angeles before Examiner Grant E. Syphers on June 2, 1958, at which time evidence was adduced and the matter submitted.

Doris Borneman is a housewife residing at 2141 Greenleaf Street, Santa Ana, California. This residence is occupied by her and her husband, and prior to February 18, 1958, the telephone service was under number Kimberly 2-3740. This phone was listed in the name of Doris Newman, which was the name of the complainant prior to her marriage to Mr. Borneman.

On February 18, 1958, at about 1:30 in the afternoon the police raided this residence and while there arrested Mrs. Borneman and took out the telephone. At that time the telephone was located in a front room with an extension in another room which was used as an office.

At the hearing Mrs. Borneman testified that she had been using these phones for bookmaking during the period from January 7 to February 18, 1958. She further testified that she did not so intend to use them in the future and that she now desired to have a residential phone.

Her husband, Robert Borneman, testified that he is in the exterminating and pest control business and it is necessary for him to have a telephone at his home so that he can receive off-hour business calls. He further testified that he had never used the telephone for bookmaking purposes; that he did not know his wife had so used them; and that he did not in the future intend to use the phone service for any unlawful purpose.

Testimony presented by the telephone company disclosed that the company had received a letter, dated February 19, 1958, from the Chief of Police of the City of Santa Ana, requesting that the telephone service hereinabove described be disconnected. The telephone company, pursuant to this letter, disconnected the service.

Upon this record we find that the telephone company exercised due care in taking the action it did, and we further find that this action was based upon reasonable cause as that term is used in Decision No. 41415 dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

It is also found that the complainant now is entitled to restoration of telephone service. While she did engage in bookmaking activities, there is now no indication that the telephone facilities will be so used in the future. It should also be noted that this complainant has been without telephone service for more than four months.

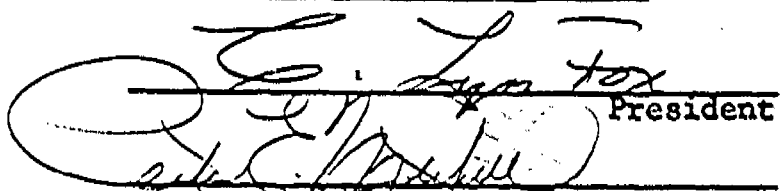
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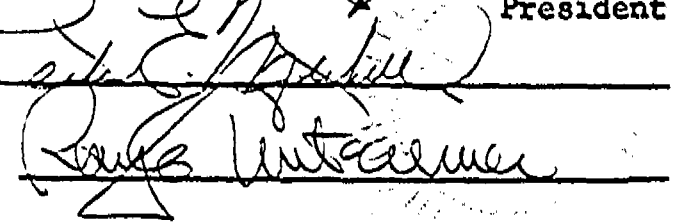
The complaint of Doris Borneman against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the case now being ready for decision, the Commission being fully advised in the premises and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that after the effective date of this decision, and upon the filing of a proper application by the complainant, Doris Borneman, The Pacific Telephone and Telegraph Company shall install telephone service at 2141 Greenleaf Street, Santa Ana, California, such installation being subject to all authorized rules and regulations of the telephone company and to the applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of JULY, 1958.

  
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President

  
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Commissioners

Matthew J. Dooley  
Commissioner...Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.