

ORIGINAL

Decision No. 57036

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JACK LINNEEN,

Complainant,

vs.

THE PACIFIC TELEPHONE & TELEGRAPH  
CO., a corporation,

Defendant.

Case No. 6119

Franklin D. Laven, for the complainant.  
Lawler, Felix & Hall, by Thomas E. Workman, Jr.,  
for the defendant.  
Roger Arnebergh, City Attorney, by John Neville,  
Deputy City Attorney, for the City of Los  
Angeles, intervener.

O P I N I O N

The complaint of Jack Linneen, 8015 Highland Trail, Los Angeles, California, filed on May 26, 1958, alleges that the complainant's telephone was removed by the Los Angeles Police Department; that the complainant has requested installation of the telephone at said address; that no complaint has ever been filed; that the complainant is engaged in the trucking business and a telephone is necessary therefor.

On June 4, 1958, by Decision No. 56783, in Case No. 6119, the Commission issued an order directing the telephone company to restore telephone service to complainant pending a hearing on the matter.

On June 16, 1958, the telephone company filed an answer, the principal allegation of which was that on May 7, 1958, it had reasonable cause to believe that the telephone service furnished

under telephone number OLfield 4-0781, to which Joseph Loughram was the subscriber, and under telephone number OLfield 4-4093, to which Dolores Foster was the subscriber, both located at 8015 Highland Trail, Los Angeles, California, 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 June 27, 1958, and the matter was submitted.

The parties stipulated that the complaint should be amended to show that telephone service has been restored; that Dolores Foster is Dolores Linneen; and that Exhibit No. 1, a letter from the Chief of Police to the telephone company, dated May 6, 1958, could be received in evidence. This letter states that telephones at 8015 Highland Trail, Los Angeles, having numbers OLfield 4-0781 and OLfield 4-4093, were on May 1, 1958, being used for bookmaking purposes; that the telephones were removed; and requesting that defendant disconnect the service. Parties stipulated further that this letter was received by the telephone company on May 6, 1958, and that the central office disconnection was effected on May 9, 1958. It was the position of the telephone company that it had acted with reasonable cause in disconnecting telephone service inasmuch as it had received the letter designated as Exhibit No. 1. It was further stipulated that if the complainant was called as a witness, he would testify in conformance with his complaint and, in addition, that no criminal complaint was filed against him or Dolores Linneen; that

the arrest report of Mrs. Linneen could be received in evidence as Exhibit No. 2; that this report shows that Dolores Linneen was arrested on May 1, 1958, for suspicion of bookmaking at 8015 Highland Trail, Los Angeles; that she told the officers she only answered the telephone and took down messages, and that she had not been doing this for very long. The arrest report further shows that the officers received information regarding bookmaking at complainant's telephone number; that the officers went to the complainant's home; that the complainant drove up while the officers were outside the house, and entered the house; that both the complainant and Dolores Linneen left the house; that the telephones could be heard constantly ringing; that the complainant and Dolores were arrested and returned to the house; that while the officers were in the house the phones rang repeatedly and when an officer answered he would be given a telephone number to call; that on two occasions one of the officers called the number given by the caller and received horse race bets over the telephone.

In the light of this record we find that the action taken by the telephone company was based on reasonable cause as that term is used in Decision No. 41415, supra. We further find that the telephone facilities in question were used for bookmaking purposes.

O R D E R

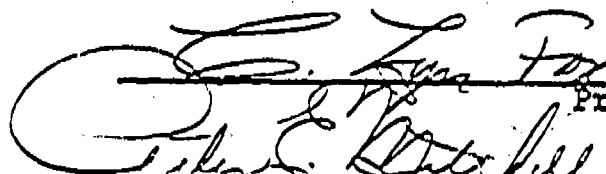
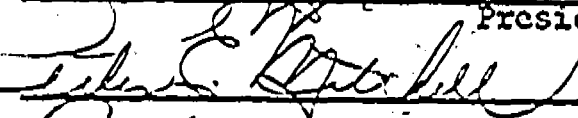
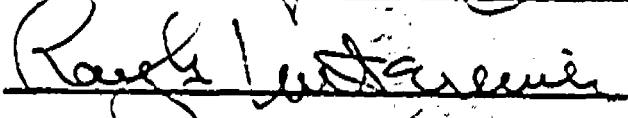
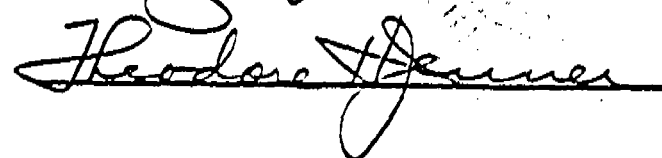
The complaint of Jack Linneen against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision on the evidence of record,

IT IS ORDERED that complainant's request for telephone service be denied and that said complaint be and it hereby is dismissed. The temporary relief granted by Decision No. 56783 in Case No. 6119 is hereby set aside and vacated.

IT IS FURTHER ORDERED that upon the expiration of ninety days after the effective date of this order, the complainant herein may file an application for telephone service, and if such filing is made, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 8015 Highland Trail, 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 23rd day of JULY, 1958.

  
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President  
  
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Commissioners

Commissioner Matthew J. Dooloy, being necessarily absent, did not participate in the disposition of this proceeding.