

ORIGINAL

Decision No. 57382

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWIN PETERSON and
BEATRICE N. PETERSON,
Complainants,

vs.

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,
Defendant.

Case No. 6157

Sheldon and Gibson, by John Gibson, for the complainants.
Albert Hart, by H. Ralph Snyder, for the defendant.
Harold Kennedy, County Counsel, by Alister MacAlister,
Deputy County Counsel, for the Sheriff's Department,
County of Los Angeles, intervenor.

O P I N I O N

The complaint herein, filed on July 18, 1958, alleges that prior to the 15th day of May, 1958, complainants were subscribers to the telephone service of the defendant under number OXbow 3-3813 at 10218 South Parkinson Avenue, Whittier, California; that on or about the 15th day of May, 1958, a deputy sheriff of Los Angeles County removed the telephone equipment of the complainants from their residence; that the complainants, and each of them, were charged with bookmaking; that thereafter the complainants, and each of them, paid fines and were placed on probation; and that the complainants' telephone is necessary in connection with their personal and legitimate businesses and affairs.

On July 30, 1958, the telephone company filed an answer the principal allegation of which was that the telephone service of the complainants was disconnected pursuant to a request by the Sheriff of Los Angeles County in accordance with the ruling of this Commission in 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 August 28, 1958, and the matter was submitted.

Attached to the answer herein are copies of letters designated as Exhibits A and B. Exhibit A states that the Sheriff of Los Angeles County investigated the complainants' telephone service at 10218 South Parkinson Avenue, Whittier, and determined that it was used for disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code; that the telephone was disconnected on May 15, 1958; and requested that the telephone company disconnect the service. Complainants' attorney stipulated that all of the information contained in this exhibit was true and that the telephone was being used for bookmaking purposes on May 15, 1958. The complainant Beatrice N. Petterson agreed with the stipulation by the complainant's attorney. She further testified that the complainants have two children ages 3 and 5; that a telephone is necessary; that she and her husband were arrested on about May 15, 1958, for using the telephone for bookmaking purposes; that the telephone was disconnected; that she paid a fine of \$100 and that

her husband paid a fine of \$150 and that the telephone will not be used in the future for any illegal purposes.

Exhibit A attached to the answer to the complaint is a copy of a letter from the Sheriff's Department of Los Angeles County, above referred to, stating why the telephone was removed and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause, as that term is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit A.

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, supra. We further find that the complainants have paid the penalty prescribed by law for using the telephone for illegal purposes and that therefore the complainants are now entitled to a restoration of telephone service.

O R D E R

The complaint of Edwin Petterson and Beatrice N. Petterson against the General Telephone Company of California, a corporation, 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 and the findings herein,

IT IS ORDERED that the complainants request for restoration of telephone service be granted, and that upon the

filing by the complainants, or either of them, of an application for telephone service the General Telephone Company shall install telephone service at the complainants' residence at 10218 South Parkinson Avenue, Whittier, 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 29th day of September, 1958.

E. L. Fox
President
John S. Mitchell
Paul W. Witherell
W. H. [unclear]
Theodore J. [unclear]
Commissioners