

ORIGINAL

Decision No. 58139

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NETA I. REED,

Complainant,

vs.

Case No. 6214

THE PACIFIC TELEPHONE AND  
TELEGRAPHY COMPANY, a corporation,

Defendant.

Neta I. Reed in propria persona.

Lawler, Felix and Hall by A. J. Krappman, Jr., for  
defendant.

Harold W. Kennedy, County Counsel, by Alister McAlister,  
Deputy County Counsel, for the Los Angeles County  
Sheriff, intervener.

O P I N I O N

The complaint of Neta I. Reed, filed on December 31, 1958, alleges that she was a subscriber and user of telephone service furnished by defendant at 3521 Josephine Street, Lynwood, California, under number NEwmark 9-0273; that on or about the 20th day of November, 1958, complainant was advised by the defendant that it had received information that complainant's telephone facilities were being used as an instrumentality to violate the law, or in aiding or abetting such violation of the law, and that the defendant was disconnecting the communication facilities; that thereafter the complainant's telephone facilities were disconnected and remained disconnected at the time this complaint was filed; that complainant has suffered and will suffer irreparable injury to her reputation as

a result of the defendant disconnecting these facilities; and that complainant had no knowledge that the telephone was to be used for any illegal purposes.

On January 15, 1959, the defendant filed an answer, the principal allegation of which was 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 November 21, 1958, had reasonable cause to believe that the telephone service furnished to complainant under number NEwmark 9-0273 at 3521 Josephine Street, Lynwood, 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 was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles on February 11, 1959, before Examiner Kent C. Rogers.

The complainant testified that she resides at 3521 Josephine Street, Lynwood, California, with her daughter and two minor children; that she was a subscriber to telephone service furnished by the defendant at that address; that on or about November 18, 1958, she rented a room in her house to a man and his wife; that on or about November 20, 1958, the police came into the premises and arrested the man and woman and removed the telephone; that she was not arrested and she needs the telephone and will not allow it to be used in the future for any illegal purposes.

A deputy sheriff attached to the Vice Detail of the Sheriff's Office of Los Angeles County testified that on November 20, 1958, he placed a horse racing bet from an outside station to a male voice on complainant's telephone; that shortly thereafter the

witness and other deputies entered complainant's home and therein arrested a man named Joseph Varon who was by the complainant's telephone beside which there were betting markers for the day of the arrest and a scratch sheet; that subsequently Joseph Varon pleaded guilty to using complainant's telephone for bookmaking; that at the time Joseph Varon was arrested, complainant's telephone was removed from the premises and has not been reinstalled.

Exhibit No. 1 herein is a letter dated December 3, 1958, from the Commander of the Vice Detail of the Sheriff's Office of Los Angeles County to the defendant advising the defendant that the complainant's telephone at 3521 Josephine Street, Lynwood, California, having telephone number NEwmark 9-0273, was on November 20, 1958, being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code; that the telephone had been confiscated; and requesting that the telephone service be disconnected. An employee of the telephone company testified that this letter was received on December 4, 1958, that a central office disconnection thereof was effected on December 5, 1958, and that service has not been reconnected. The position of the telephone company was that it had acted with reasonable cause as that term is defined in Decision No. 41415, supra, in disconnecting the complainant's telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After 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, supra. We further find that the complainant's telephone 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 Neta I. Reed 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 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 thirty days after the effective date of this order, the complainant herein may file an application for telephone service and if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 3521 Josephine Street, Lynwood, 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 17th day of March, 1959.

E. L. Fox  
President  
E. N. [illegible]  
[illegible]

Commissioners