

ORIGINAL

Decision No. 58500

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MORRIS GOODMAN,

Petitioner,

vs.

Case No. 6236

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Respondent.

Morris Goodman, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for respondent.  
Roger Arnebergh, City Attorney, by Laurence R.  
Corcoran, intervener.

O P I N I O N

By the complaint and petition herein, filed on March 9, 1959, petitioner herein seeks an order that the respondent restore telephone service under number WEbster 9-2469 to complainant's residence at 1233 South Ogden Drive, Los Angeles, California. He alleges that the telephone under that number was removed on or about February 6, 1959, by the respondent, acting on information that the service was being used for bookmaking purposes; that the telephone was not used for illegal purposes; and that petitioner is suffering from cancer and must have a telephone to contact his doctors.

On March 17, 1959, by Decision No. 58121, in Case No. 6236, the Commission ordered that the telephone service be restored to the petitioner pending a hearing on the petition herein.

On March 26, 1959, the respondent 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 February 12, 1959, had reasonable cause to believe that the telephone service furnished to petitioner under WEBster 9-2469 at 1233 South Ogden Drive, Los Angeles, 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, respondent was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles on April 14, 1959, before Examiner Kent C. Rogers.

The petitioner testified that he and his wife rent an apartment at the stated address; that therein they had two telephones with an extension on one; that on or about February 12, the telephone with the extension was removed by police officers of the City of Los Angeles, and petitioner's wife was arrested for bookmaking; that she pleaded guilty to the charge; that thereafter on about February 19, 1959, the other telephone under number WEBster 9-2469 was disconnected by the telephone company; that he is under treatment for cancer and must be in contact with his doctors at all times; that on or about March 17, 1959, telephone service under number WEBster 9-2469 was reinstalled on order of the Commission; and that at the present time he has said telephone in the apartment.

Exhibit No. 1 herein is a letter from the Chief of Police of the City of Los Angeles to the respondent, advising respondent that petitioner's telephone at 1233 South Ogden Drive, WEBster 9-2469, was on or about February 10, 1959, being used for the

purpose of disseminating horse racing information in connection with bookmaking. An employee of the telephone company testified that this letter was received by the telephone company or or about February 12, 1959, and that on February 19, 1959, telephone service was disconnected pursuant to said letter, and that thereafter, on March 19, 1959, the service was reconnected pursuant to order of this Commission. 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 service, inasmuch as it had received the letter designated as Exhibit No. 1.

A police officer connected with the vice detail of the Los Angeles Police Department testified that on or about February 4, 1959, he heard petitioner's wife engage in bookmaking activities over petitioner's telephone at petitioner's home; that petitioner's wife was arrested at petitioner's home that day; and that there was in the home a National Daily Reporter scratch sheet, betting markers, and \$5,478 in cash; that one of the telephones under number WEBster 1-1460 and an extension therefrom were removed at that time; that petitioner's wife was taken into custody; and that petitioner herein was not present at the time of the arrest.

After full 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. The record further shows that the telephone services of the petitioner were used for illegal purposes, to wit, bookmaking. The record further shows, however, that the petitioner was probably unaware of the activities of his wife relative to bookmaking, and that telephone service is necessary for the health and welfare of the petitioner. Petitioner's telephone service will therefore be restored.

O R D E R

The complaint of Morris Goodman against The Pacific Telephone and Telegraph Company, a corporation, having been filed, 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 the order of the Commission in its Decision No. 58121, dated March 17, 1959, in Case No. 6236, temporarily restoring telephone service to the petitioner, be made permanent, such restoration 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 the date hereof.

Dated at San Francisco, California,  
this 22nd day of March, 1959.

*E. L. Fox*  
President  
*Wm. C. Mitchell*  
*William C. Mitchell*  
*Theodore D. Danner*  
*Everett B. Page*  
Commissioners