

Decision No. 58983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

RUBY L. RAUH,

Complainant,

**vs.**

THE PACIFIC TELEPHONE AND  
TELEGRAPH CO.,

Defendant.

**Case No. 6282**

Ruby L. Rauh in propria persona.

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

Roger Arnebergh, City Attorney, by Lawrence R. Corcoran, Deputy City Attorney, for the Los Angeles Police Department, intervenor.

O P I N I O N

By the complaint herein, filed on June 5, 1959, complainant Ruby L. Rauh of 2330 Ewing Street, Los Angeles, alleges that prior to May 22, 1959 she was a subscriber and user of telephone service furnished by defendant at 2330 Ewing Street, Los Angeles; that on May 22, 1959, her telephone facilities were disconnected by the Police Department for alleged bookmaking; that no charges were filed against complainant as a result of the alleged book-making activities; that she was released the same day she was arrested; that she has demanded that the telephone facilities be restored; and the defendant has refused to restore said facilities.

On June 16, 1959, by Decision No. 58603 in Case No. 6282, the Commission ordered that the telephone service be restored to complainant pending a hearing on the complaint.

On June 26, 1959, the telephone company 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 May 26, 1959, had reasonable cause to believe that telephone service furnished to complainant under number NORMANDY 3-4138, at 2330 Ewing Street, 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, defendant was required to disconnect service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held before Examiner Kent C. Rogers in Los Angeles on August 3, 1959.

The complainant testified that she resides at 2330 Ewing Street, a private home, by herself; that on or about May 22, 1959 police officers knocked at the door, were admitted and placed her under arrest; that she was not charged with any violation; that at that time the telephone was removed; that she did not know what she was charged with; and that the telephone is necessary inasmuch as she must keep in contact with her mother who is a heart patient. On cross-examination by the intervenor, the complainant testified that she had parlay books in the house, a pad and pencils in a desk, and a radio was set to tune in the horse race results.

Exhibit No. 1 is a letter dated May 25, 1959 from the Administrative Vice Division of the Los Angeles Police Department to the defendant advising the defendant that on May 22, 1959 complainant's telephone under number NOrmandy 3-4138 was 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 defendant disconnect the service. This letter was received by the defendant on May 26, 1959 and a central office disconnection was effected pursuant thereto on June 1, 1959, and the service was reconnected pursuant to this Commission's Decision No. 58603, supra, on June 18, 1959. 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 No. 1.

A police officer connected with the Vice Detail of the Los Angeles Police Department testified that prior to May 22, 1959, the police had information that bookmaking was being carried on in the complainant's premises; that on May 22, 1959 the officers entered the premises and arrested the complainant; that while they were on the premises one of the officers received a telephone call from a male caller who placed a horse race bet over the telephone; that the complainant told the witness that she did not know what the call was about; that the complainant was arrested and taken to jail.

After full consideration of this record we now find that the telephone company's action was based upon a 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 Ruby L. Rauh 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 the complainant's request for restoration of telephone service is denied and the temporary interim relief granted by Decision No. 58603 is vacated and set aside.

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 2330 Ewing Street, 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 25<sup>th</sup> day of August, 1959.

Everett R. Page  
President  
W. E. Mitchell  
E. J. Fox  
Theodore Deener  
Commissioners

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