

ORIGINAL

Decision No. 59152

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JEWEL WAYNE,

Complainant,

vs.

Case No. 6302

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Jewel Wayne, in propria persona.

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

Roger Arnebergh, City Attorney, by Samuel C. Palmer,  
Deputy City Attorney, for the Police Depart-  
ment of the City of Los Angeles, intervener.

O P I N I O N

The complaint of Jewel Wayne of 347 East 33rd Street, Los Angeles, California, alleges that on June 16, 1959, the Los Angeles police broke into her home and tore her telephone from the wall; that the police stated that the telephone furnished by the defendant The Pacific Telephone and Telegraph Company was being used for bookmaking, and arrested a man who was a roomer in the house; that if the roomer was guilty of bookmaking, it was without complainant's knowledge or consent, and that she needs the telephone because of the illness of her mother.

On July 21, 1959, by Decision No. 58778 in Case No. 6302, the Commission ordered that the defendant temporarily restore

telephone service to the complainant pending a hearing on the complaint.

On July 29, 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 June 18, 1959, had reasonable cause to believe that the telephone service furnished to complainant under number ADams 4-0010 at 347 East 33rd Street, Los Angeles, California, was being or was to be used as an instrumentality 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.

The complainant testified that she resides at 347 East 33rd Street, Los Angeles, California, which is a private residence; that she lives there with her mother; that she had a roomer named W. S. Griggs; that on June 16, 1959, in her absence, Mr. Griggs was arrested and the telephone was removed; that she did not give Mr. Griggs or any other person permission to use the telephone for illegal purposes; and that the telephone is necessary for the welfare of her mother who lives with her.

The complainant further testified that her husband, Clyde Williams, who is separated from her, was the original subscriber to the telephone, and asked that the telephone service, when it is installed, be reinstalled in her name.

Exhibit No. 1 is a letter dated June 16, 1959, from the Commander of the Administrative Vice Division of the Police Department of the City of Los Angeles, advising the defendant that on

June 16, 1959, complainant's telephone under number ADams 4-0010 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 June 18, 1959, and the central office disconnection was effected pursuant thereto on June 18, 1959, and the service was reconnected pursuant to Decision No. 58778, supra, on July 24, 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 Administrative Vice Detail of the Los Angeles Police Department testified that, pursuant to information that complainant's telephone was being used for bookmaking purposes on June 16, 1959, he dialed complainant's telephone number; that a male voice answered; that he placed a \$3 horse race bet over the telephone; that he and other officers went to complainant's residence; that they entered and found complainant's mother in the front room and found Mr. Griggs in the kitchen at the table with the telephone, scratch sheet, parlay manual, and a slate on which were records of horse race bets; that the slate was, in the witness's opinion, a betting marker; that the telephone rang and the witness answered and was given three horse race bets over the telephone, and later on other bets were given over the

telephone; that Mr. Griggs told the witness that he had been on the premises for two or three weeks taking bets; and that Mr. Griggs was arrested for bookmaking and has been held to answer.

After full consideration of this record we now 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 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 Jewel Wayne 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 and the findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service is denied and that the temporary interim order granted by Decision No. 58778 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 347 East 33rd 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 13th day of October, 1959.

**President**

President  
W. L. G. L. G.  
L. G. L. G.  
Theodore G. L. G.

Commissioners

Everett C. McKeage  
Commissioner S. Peter E. Mitchell, being  
necessarily absent, did not participate  
in the disposition of this proceeding.