

ORIGINALDecision No. 59180

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PERCY SNYDER and DOROTHY
DAVIES SNYDER,

Complainants,

v.

Case No. 6347

THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a public utility system,
a corporation,

Defendant.

Percy Snyder, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.

O P I N I O N

By the complaint herein, filed on September 1, 1959, Percy Snyder and Dorothy Davies Snyder allege that they reside at 2808 West 108th Street, Inglewood, California; that on or about August 7, 1959, complainants' telephone was removed by the defendant on the grounds that it was being used in violation of Section 337a of the California Penal Code; and that on August 20, 1959, a Judge of the Municipal Court of the Inglewood Judicial District dismissed the complaint. The complainants request that telephone service be restored.

It was stipulated at the hearing that Percy Snyder was the subscriber to the telephone service, and at the request of the complainants the complaint was dismissed as to Dorothy Davies Snyder.

On September 14, 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 August 17, 1959, had reasonable cause to believe that the telephone service furnished to complainant Percy Snyder under number PLYmouth 4-9166, at 2808 West 103th Street, Inglewood, 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, the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing on the complaint was held before Examiner Kent C. Rogers in Los Angeles on September 28, 1959.

No appearance was made at the hearing by any law enforcement agency.

Dorothy Davies Snyder testified that on Friday, August 7, 1959, she was at home; that the telephone rang and she was asked to take a bet but that she refused to do so; that subsequently police officers entered the house and arrested her; that the charges against her were thereafter dismissed; that the telephone was never used for illegal purposes; that she has two minor children at home and needs the telephone; and that she will see that the telephone is not used for illegal purposes if it is reinstalled.

Exhibit No. 1 is a letter from the Commanding Officer of the Vice Detail of the Sheriff's Department of the County of Los Angeles to the defendant advising the defendant that on August 7, 1959, complainant's telephone under number PLYmouth 4-9166 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 the defendant disconnect the service. This letter was received by the defendant on August 17, 1959, and service was disconnected pursuant thereto on August 19, 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.

After full consideration of this record, we 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 evidence fails to show that the complainant's telephone was used as an instrumentality to violate or to aid and abet the violation of the law. Complainant is, therefore, entitled to telephone service.

O R D E R

The complaint of Percy Snyder 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 complainant's request for restoration of telephone service be granted, and that upon the filing by

complainant of an application therefor, defendant shall restore telephone service to complainant's premises at 2808 West 108th Street, Inglewood, California, such installation being subject to all 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, this 20th day of October, 1959.

Robert E. [Signature] President
[Signature]
[Signature]
Theodore H. [Signature] Commissioners

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