

ORIGINAL

Decision No. 59355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JACQUELINE R. DANGLEIS,

Complainant,

vs.

Case No. 6346

CALIFORNIA WATER AND TELEPHONE COMPANY,
a corporation,

Defendant.

Myron L. Garon for complainant.
Bagigalupi, Elkus & Salinger, by William A. Fleckles,
for defendant.

O P I N I O N

By the complaint herein, filed on August 31, 1959, Jacqueline R. Dangleis alleges that she resides at 12503 Ralston Avenue, Sylmar, California; that she has been refused telephone service by the defendant on the grounds that complainant was required to have a permit from the Police Department in order to obtain telephone service; and that a telephone is necessary for her protection and in order to call for medical assistance for her two children who are approximately one and two years of age.

On September 23, 1959, the telephone company filed an answer, the principal allegation of which was that the telephone service to complainant's residence was disconnected on May 28, 1959, by the Police Department of the City of Los Angeles in

connection with charges made by said Police Department that the service was being used by Don Dangleis, the subscriber to the telephone service, in violation of Section 337a of the Penal Code; that after the removal of the telephone service, as aforesaid, Don Dangleis was charged with violating Section 337a of the Penal Code and pleaded guilty to said charge.

A public hearing was held before Examiner Kent C. Rogers on November 3, 1959, in Los Angeles. No appearance was made at the hearing by any law enforcement agency.

Jacqueline Dangleis testified that she resides at 12503 Ralston Avenue, Sylmar, with Donald Dangleis, her husband; that on or about May 28, 1959, the telephone was removed by members of the Los Angeles Police Department for alleged illegal use thereof; that Donald Dangleis was the subscriber; that she needs the telephone service; and desires that telephone service be installed in her name at that address.

Exhibit No. 1 is a letter from the commanding officer of the Administrative Vice Division of the Los Angeles Police Department to the defendant advising the defendant that on May 28, 1959, telephone service furnished to Don Dangleis under number EMpire 7-8987 at 12503 Ralston Avenue, Sylmar, 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 or about June 2, 1959, and a

central office disconnection was effected pursuant thereto shortly thereafter. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), 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 record shows that complainant is entitled to telephone service in that the evidence fails to show that the telephone service was used for any illegal purpose.

O R D E R

The complaint of Jacqueline R. Dangleis against California Water and Telephone 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 telephone service be granted and that upon the filing by complainant of an application therefor, defendant shall install telephone service at complainant's residence at 12503 Ralston Avenue, Sylmar, 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 five days after the date hereof.

Dated at San Francisco, California, this 8th day of December, 1959.

Charles R. [Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners