

ORIGINAL

Decision No. 59359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BARBARA BEEBEE, individually and as
 natural guardian for JOHN BEEBEE,
 SUSAN BEEBEE, CHRISTINE BEEBEE, LORENE
 BEEBEE, LUCY BEEBEE, DONALD BEEBEE,
 CYNTHIA BEEBEE, ROBERT BEEBEE, RICHARD
 BEEBEE, MARK BEEBEE and MATTHEW BEEBEE,
 Minors,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY,

Defendant.

Case No. 6364

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

O P I N I O N

By the complaint herein, filed on October 6, 1959, Barbara Beebee alleges that she resides at 13913 Chadron Avenue, Hawthorne, California; that at that address she had a telephone under number OSborne 6-0257 furnished by defendant; that the service was cancelled at the request of the Sheriff's Office of Los Angeles County because of the fact that the complainant was arrested for bookmaking on February 20, 1959; that the complainant was placed on probation for said offense; and that she has requested that service be restored and was refused.

It was stated at the hearing that the husband of complainant, Clinton Beebee, was the subscriber to the telephone service

furnished by the defendant, and that if the service is ordered installed it should be installed in the name of Barbara Beebee.

On October 21, 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 February 25, 1959, had reasonable cause to believe that the telephone service furnished to Clinton Beebee under number OSborne 6-0257, at 13913 Chadron Avenue, Hawthorne, 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 November 9, 1959.

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

Barbara Beebee testified that she is the wife of Clinton Beebee; that she and her husband reside at 13913 Chadron Avenue, Hawthorne, California; that on or about February 20, 1959, the telephone was removed from the premises for bookmaking activities in which she had been engaged; that at that time she was arrested; that thereafter she was placed on probation; that she needs a telephone inasmuch as she has eleven children all under the age of twelve years; and that if the telephone is restored she will not permit it to be used for illegal purposes in the future.

Exhibit No. 1 is a letter from the Captain of the Vice Detail of the Sheriff's Department of the County of Los Angeles to the

defendant, advising defendant that on February 20, 1959, the telephone service furnished under number OSborne 6-0257, at 13913 Chadron Avenue, Hawthorne, California, 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 February 25, 1959, and service was disconnected pursuant thereto on February 27, 1959, and has not been reconnected. 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 shows that the telephone was used for illegal purposes, but that inasmuch as the complainant has paid the penalty prescribed by law and that telephone service is necessary to her, it will be ordered that the telephone service be installed on complainant's premises.

O R D E R

The complaint of Barbara Beebee 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 telephone service be granted and that, upon the filing by complainant of an application therefor, the defendant shall furnish telephone service to complainant's premises at 13913 Chadron Avenue, Hawthorne, 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 five days after the date hereof.

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

[Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners