

ORIGINAL

Decision No. 59507

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOE JACKSON and CAROL MARGARET JACKSON,

Complainants,

vs.

Case No. 6376

THE PACIFIC TELEPHONE AND TELEGRAPH CO.,  
a corporation,

Defendant.

Joe Jackson and Carol Margaret Jackson in propria  
personae.

Lawler, Felix & Hall, by David Workman, for defendant.  
Roger Arnebergh, City Attorney, by Laurence Corcoran,  
Deputy City Attorney, for the Los Angeles Police  
Department, intervener.

O P I N I O N

In the complaint herein, filed on October 29, 1959, it is alleged that Joe Jackson and Carol Margaret Jackson, husband and wife, reside at 901 East 118th Place, Los Angeles, California; that defendant installed a telephone at said premises for the complainants under number LOrain 9-4481; that on or about April 30, 1959, complainant Carol Margaret Jackson was arrested by Los Angeles police officers on a charge of violation of Section 337a of the Penal Code; that at the time of the arrest, complainant's telephone was removed; that on October 9, 1959, Carol Margaret Jackson was tried and acquitted of the said charge of bookmaking; and that complainants have requested that defendant restore their telephone service but that defendant has refused. The complainants request an order for restoration of telephone service.

On November 13, 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 4, 1959, had reasonable cause to believe that the telephone service furnished to Joe Jackson under number LOrain 9-4481 at 901 East 118th Place, 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 it was required to disconnect the telephone service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles on December 4, 1959, before Examiner Kent C. Rogers.

A deputy city attorney appeared on behalf of the Los Angeles Police Department but presented no evidence in the matter.

The evidence presented by the complainants shows that they are husband and wife; that they reside at 109 East 118th Place, Los Angeles; that on and prior to April 30, 1959, they had a telephone at said premises furnished by the defendant; that on said date complainant Carol Margaret Jackson was arrested by officers of the Los Angeles Police Department on a charge of bookmaking; that the telephone was removed; that subsequently Carol Margaret Jackson was acquitted of the charges; that the complainant Joe Jackson was not present at the time of the arrest; that the complainants need the telephone in their home inasmuch as they have minor children; and that they desire that the telephone be reinstalled.

Exhibit No. 1 is a letter dated May 1, 1959, from the commander of the Administrative Vice Division of the Los Angeles

Police Department to the defendant advising the defendant that the above-referred to telephone under number LO 9-4481 at 901 East 118th Place, Los Angeles, was, on April 30, 1959, being used as an instrumentality to violate or to aid and abet the violation of the law; that the telephone was removed by police officers; and requesting that the telephone service be disconnected. This exhibit was received by the defendant on May 4, 1959, and a central office disconnection was effected by the defendant pursuant thereto May 8, 1959, and said service had not been reconnected at the date of the hearing. 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 service inasmuch as it had received the letter designated as Exhibit No. 1.

After full consideration of this record we now 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 there is no evidence that either of the complainants was engaged in, was directly connected with, or permitted the telephone service to be used for illegal activities. The record herein shows that the subscriber to the telephone service is the complainant Joe Jackson and that he is entitled to restoration of telephone service.

O R D E R

The complaint of Joe Jackson and Carol Margaret Jackson against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully informed in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that complainant Joe Jackson's request for telephone service be granted, and that upon the filing by Joe Jackson of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service in complainant's property at 901 East 118th Place, Los Angeles, California, such installation being subject to all effective 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 12<sup>th</sup> day of January, 1960.

Ernest O. Page  
 President

W. H. [unclear]

[unclear]

[unclear]

Theodore H. Jenner  
 Commissioners