

ORIGINAL

Decision No. 59731

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EMMA LEE SAMUELS,

Complainant,

vs.

Case No. 6395

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph T. Forno, for the complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for the
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

By the complaint herein, filed on December 14, 1959, Emma Lee Samuels requests that the telephone service formerly furnished to her at 4521 South Vermont Avenue, Los Angeles, California, by the defendant be ordered restored.

On January 5, 1960, by Decision No. 59457, in Case No. 6395, the Commission ordered that the telephone service be restored to the complainant pending a hearing on the complaint herein.

On January 15, 1960, 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 October 23, 1959, had reasonable cause to believe that the telephone service furnished to Emma Lee Samuels, under number ADams 2-9767 at 4521 South Vermont Avenue,

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 the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held on February 1, 1960, in Los Angeles, before Examiner Kent C. Rogers.

Complainant Emma Lee Samuels testified that prior to October 20, 1959, she was a subscriber to telephone service furnished to her barber shop at 4521 South Vermont Avenue, Los Angeles; that said telephone service was furnished by defendant; that the telephone in question was a semipublic pay telephone in the front of the premises with two extensions in the back room; that on or about October 20, in her absence, the telephone was removed; that she understood that at the time of the removal the telephone was being used by Mr. Frank Singleton; that she never permitted him or any other person to use the telephone for illegal purposes; that she is not a bookmaker; and that she needs the telephone for her business purposes. She further testified that one of the telephones was removed on or about October 18 in her absence and that subsequently the other telephones were removed.

Exhibit No. 1 is a letter from the Acting Chief of Police of the City of Los Angeles to the defendant advising the defendant that on or about October 21, 1959, complainant's telephone under number ADams 2-9767 located at 4521 South Vermont Avenue, the Unique Barber Shop, was being used for receiving and forwarding bets; that in accordance with Decision No. 41415, supra, the telephone was

being used as an instrumentality to violate and to aid and abet the violation of the law; and that one of the extensions to the telephone had been removed. It was stipulated that this letter was received on October 23, 1959 by the defendant; that the service was disconnected pursuant thereto on November 2, 1959; that the service was reconnected pursuant to Decision No. 59457 of this Commission on January 8, 1960. 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 Vice Detail of the Los Angeles Police Department testified that on October 17, 1959 he arrested a Frank Singleton, also known as "Moose", at complainant's place of business; that he heard "Moose" place horse racing bets over the telephone; that at the time of "Moose's" arrest there was bookmaking paraphernalia, including betting markers, on the premises by the telephone; that "Moose" was arrested and one of the telephone extensions removed; and that at the time of the arrest the complainant was not present on the premises.

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 or in aiding and abetting the violation of the law in that it was used in connection with bookmaking.

O R D E R


The complaint of Emma Lee Samuels 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 relief granted by Decision No. 59457, supra, is vacated and set aside.

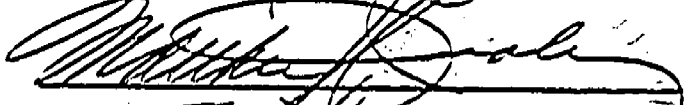
IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order, the complainant herein may file an application for telephone service and if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's place of business at 4521 South Vermont Avenue, 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 29th day of February, 1960.



President





Commissioners



Commissioners

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