

ORIGINAL

Decision No. 59857

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOUELLA GRUBBS DENNIS,

Complainant,

vs.

Case No. 6416

THE PACIFIC TELEPHONE & TELEGRAPH
CO., a corporation,

Defendant.

Simmons and Simmons, by George A. P. Simmons, for complainant.

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

Roger Arnebergh, City Attorney, by Laurence R. Corcoran, Deputy City Attorney, for the Los Angeles Police Department, intervener.

O P I N I O N

By the complaint herein, filed with the Commission on February 1, 1960, Louella Grubbs Dennis requests an order that the defendant be required to restore her telephone service at her home at 1180 Exposition Boulevard, Los Angeles, California.

On February 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 November 23, 1959, had reasonable cause to believe that the telephone service

furnished to complainant under number REpublic 4-2354 at 1180 Exposition Boulevard, 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 the complaint in Los Angeles before Examiner Kent C. Rogers on March 7, 1960.

The complainant testified that she and her husband reside at 1180 Exposition Boulevard, Los Angeles; that prior to November 19, 1959, the defendant furnished her with a telephone at that address under number REpublic 4-2354; that on or about November 17 a friend of hers, Rebecca Coulton, came to her house to remain for one or two days; that on or about November 19, in complainant's absence, Rebecca Coulton was arrested at complainant's home by the Los Angeles Police Department for alleged illegal bookmaking practices; that the telephone was removed at that time; that neither complainant nor her husband permitted the said Rebecca Coulton or any other person to use the telephone for illegal purposes; and that she needs the telephone and desires that the telephone be reconnected.

No evidence was presented on behalf of any law enforcement agency.

Exhibit No. 1 is a copy of a letter from the Captain of the Vice Detail of the Los Angeles Police Department to the defendant, advising the defendant that complainant's telephone

service was on November 19, 1959, 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 removed; and requesting that the defendant disconnect the said telephone service.

The evidence shows that this letter was received on November 23, 1959, by the telephone company, and that the telephone service was disconnected pursuant thereto on November 30, 1959, and it 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 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 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 and that the complainant is, therefore, entitled to restoration of telephone service.

O R D E R

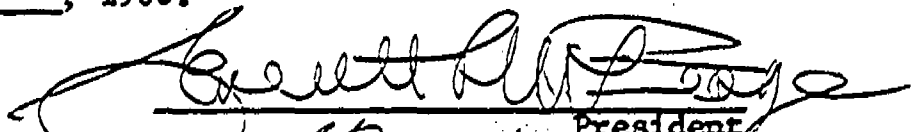
The complaint of Louella Grubbs Dennis against The Pacific Telephone and Telegraph Company having been filed, a public hearing having been held thereon, the Commission being

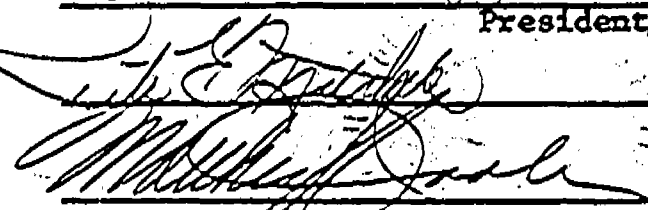
fully advised in the premises and basing its decision upon the evidence of record,

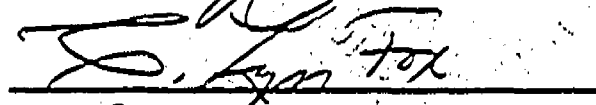
IT IS ORDERED that complainant's request for telephone service is granted, and that, upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 1180 Exposition Boulevard, Los Angeles, 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 five days after the date hereof.

Dated at San Francisco, California, this 29th day of March, 1960.



President






Commissioners