

Decision No. 60221

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSEANNE CARROLL,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 6440

Donald D. Paul, for the complainant.

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

Roger Arnebergh, by Arthur Karma, for the Los
Angeles Police Department.

O P I N I O N

By the complaint herein filed on March 24, 1960, Roseanne Carroll requests the restoration of telephone service in apartment 6, 6201 Fountain Avenue, Hollywood, California. She alleges that it was removed on or about January 20, 1960, by a police officer of the Los Angeles Police Department.

On April 7, 1960, the defendant filed an answer, the principal allegation of which was that the company, pursuant to Decision No. 41415 dated April 6, 1943, in Case No. 4930 (47 Cal. P.U.C. 853), on or about January 26, 1960, had reasonable cause to believe that the telephone service furnished to Roseanne Carroll under number HOLLYWOOD 5-3037 at apartment 6, 6201 Fountain Avenue, Hollywood, 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 Commissioner Theodore H. Jenner and Examiner Kent C. Rogers in Los Angeles on May 5, 1960.

It was stipulated by the parties that if the complainant were called as a witness she would testify that there was no illegal use of the telephone when it was disconnected, and that if the service is reinstated it will not be used for any illegal purposes; that she is an executive secretary and requires that a telephone be available at all times of the day and night.

On behalf of the Los Angeles Police Department it was testified that on or about January 21, 1960, acting on a tip a male police officer telephoned the complainant for a date over the telephone number HOLlywood 5-3037; that thereafter he went to the complainant's address at 6201 Fountain Avenue, apartment 6, HOLlywood, California; that she offered to have intercourse with him for \$25; and that he thereupon arrested her and removed the telephone.

Exhibit No. 1 is a letter dated January 22, 1960, from the Captain of the Administrative Vice Division of the Los Angeles Police Department advising the defendant that on January 20, 1960, complainant's telephone under number HOLlywood 5-3037 at apartment 6, 6201 Fountain Avenue, HOLlywood, California, was being used for the purposes of making appointments in order to carry on the practice of prostitution; that the complainant's telephone was

removed; and requesting that the defendant disconnect the service. It was stipulated that this letter was received on January 26, 1960, and that a central office disconnection was effected pursuant thereto on January 30, 1960.

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 shows that the complainant's telephone was used as an instrumentality to violate or to aid and abet the violation of the law, and that therefore the telephone service should be suspended.

O R D E R

The complaint of Roseanne Carroll 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,

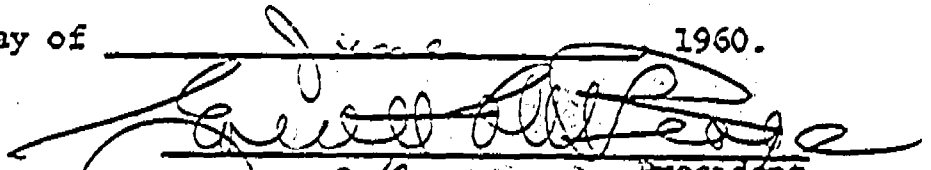
IT IS ORDERED that complainant's request for restoration of telephone service be and it hereby is denied.

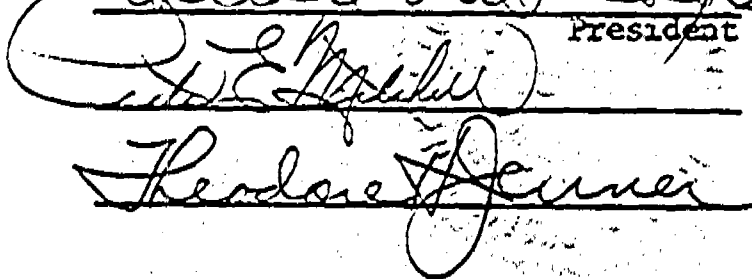
IT IS FURTHER ORDERED that upon the expiration of fifteen days after the effective date of this order the complainant herein may file an application for telephone service and if such filing is made, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's apartment, apartment 6,

6201 Fountain Avenue, Hollywood, 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 10th day of June, 1960.



President


Commissioners

Matthew J. Dooloy
Commissioners C. Lyn Fox, being
necessarily absent, did not participate
in the disposition of this proceeding.