

ORIGINAL

Decision No. 60483

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FAYE EMMA NELSON,

Complainant,

vs.

Case No. 6474

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Faye Emma Nelson, in propria persona.
Lawler, Felix & Hall, by David A. Workman, for
the defendant.
Roger Arnebergh, City Attorney, by Arthur Karma,
Deputy City Attorney, for the Los Angeles
Police Department, intervener.

O P I N I O N

By the complaint herein, filed on May 3, 1960, Faye Emma Nelson requests that the telephone service formerly furnished to her at 3519 South Bronson Avenue, Los Angeles, California, be ordered restored.

On May 17, 1960, by Decision No. 60112, in Case No. 6474, the Commission ordered that the telephone service be restored to the complainant pending a hearing on the complaint herein.

On May 31, 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 February 12, 1960, had reasonable cause to believe that the telephone service furnished to Faye E. Nelson under number REpublic 4-1687 at 3519 South Bronson 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 was required to disconnect the service pursuant to Decision No. 41415, supra.

A public hearing was held on June 16, 1960, in Los Angeles before Examiner Kent C. Rogers.

The record herein shows that on February 10, 1960, the complainant and a woman known as "Chickie" were present in the premises; that the police officers tried to place a horse race bet over the telephone but were unsuccessful; that they thereupon went to the complainant's premises and found the complainant and Chickie present; that they found two betting markers, one torn up, and a scratch sheet on the premises.

Exhibit No. 1 is a letter dated February 11, 1960, from the Commander of the Administrative Vice Division of the Los Angeles Police Department to the defendant advising the defendant that on February 10, 1960, complainant's telephones at 3519 South Bronson Avenue, Los Angeles, under number REpublic 4-1687, were on February 10, 1960, 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 telephones were removed by the police officers, and

requesting that the telephone service be disconnected. The record shows that this letter was received on February 12, 1960, that pursuant thereto the service was disconnected on March 8, 1960, and that pursuant to Decision No. 60112, supra, service was reconnected on May 23, 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 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; therefore the telephone service should be reconnected.

O R D E R

The complaint of Faye Emma Nelson 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 the order of the Commission in Decision No. 60112, dated May 17, 1960, in Case No. 6474,

temporarily restoring telephone service to the complainant be made permanent, such restoration 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 2nd day of August, 1960.

Charles W. [unclear]
 President

[unclear]

[unclear]

[unclear]

Theodore J. Deemer
 Commissioners