

**ORIGINAL**

Decision No. 60717

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GENOA SIMMONS,

Complainant,

vs.

Case No. 6419

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Genoa Simmons, in propria persona.  
Lawler, Felix & Hall, Attorneys, by  
David A. Workman and A. J. Krappman, Jr.,  
for the defendant.  
Roger Arnebergh, City Attorney, by Lawrence  
Corcoran, Deputy City Attorney, for the  
Los Angeles Police Department, intervener.

O P I N I O N

The complaint of Genoa Simmons of 1739 Middleton Place, Los Angeles, California, filed on February 9, 1960, requests that the telephone service formerly furnished to the complainant by the defendant, The Pacific Telephone and Telegraph Company, a corporation, at said address be restored.

On February 23, 1960, by Decision No. 59695, in Case No. 6419, the Commission ordered that the telephone service be restored to the complainant pending a hearing on the matter.

On March 3, 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 August 21, 1959, had reasonable cause to believe that the telephone service furnished to the complainant under number AXminster 2-8088 at 1739 Middleton 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 the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra.

A public hearing on this matter was held in Los Angeles on March 7, 1960. The complainant failed to appear and on motion of the attorney for the defendant the complaint was dismissed by Decision No. 59969, dated April 19, 1960. Thereafter, on June 15, 1960, the complainant filed a petition for rehearing alleging that she had never received a notice of the hearing. On July 5, 1960, the Commission made its order granting a rehearing and thereafter a public hearing was held in Los Angeles before Examiner Kent C. Rogers on August 8, 1960. At this latter hearing there was no appearance for the intervener.

The complainant testified that she resides at 1739 Middleton Place, Los Angeles, California, which is her home; that she rented a room to a friend who had her own telephone installed; that on or about August 18, 1959, police officers of the City of Los Angeles entered the premises and arrested her friend and removed the friend's telephone; that thereafter the telephone

company removed complainant's telephone; that complainant has never permitted the telephone to be used for any illegal purposes; and that she needs the telephone in her business.

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

Exhibit No. 1 herein is a letter dated August 19, 1959, from the Chief of Police of the City of Los Angeles to the defendant advising the defendant that complainant's telephone under number Axminster 2-8088 at 1739 Middleton Place, Los Angeles, California, was being used for the purpose of receiving and forwarding bets. An employee of the telephone company testified that this letter was received on August 21, 1959, and that a central office disconnection was effected pursuant to said letter on August 24, 1959, and that the service was reconnected pursuant to Decision No. 59695, supra, on or about February 25, 1960. The witness further testified that subsequently, pursuant to Decision No. 59969 herein, the telephone service was disconnected and has not been reconnected.

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 for illegal purposes, and that therefore the complainant is entitled to restoration of telephone service.

O R D E R

The complaint of Genoa Simmons 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 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 1739 Middleton Place, 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 13th day of September, 1960.

Harold W. Page  
President

John E. Mitchell

[Signature]

\_\_\_\_\_

Commissioners

Matthew J. Dooley

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.