

**ORIGINAL**

Decision No. 60948

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SADIE DRABEK,

Complainant,

vs.

Case No. 6624

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Philip A. Burg, for the complainant.  
Lawler, Felix & Kall, by A. J. Krappman, Jr.,  
for the defendant.

O P I N I O N

By the complaint herein, filed on July 18, 1960, Sadie Drabek requests that the telephone service formerly furnished to her at 8534 East Compton Boulevard, Paramount, California, be ordered restored.

On August 2, 1960, by Decision No. 60459, in Case No. 6624, the Commission ordered that the telephone service be restored to the complainant pending a hearing on the complaint herein.

On August 12, 1960, The Pacific Telephone and Telegraph Company, a corporation, 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 July 5, 1960, had reasonable cause to believe that the telephone service furnished to Sadie Drabek under number MEtcalf 3-5510 at 8534 East Compton Boulevard, Paramount, 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 defendant was required to discontinue the service pursuant to Decision No. 41415, supra.

A public hearing was held on September 23, 1960, in Los Angeles, before Examiner Kent C. Rogers.

The parties stipulated that the allegations of the complaint are true and that said complaint may be used in lieu of testimony. In the complaint it is alleged that Sadie Drabek resides at 8534 East Compton Boulevard, Paramount, California; that on June 30, 1960, five officers of the Los Angeles County Sheriff's Division entered her premises and placed her under arrest on suspicion of violation of Section 337a of the Penal Code; that a thorough search was made of the premises by said officers and no incriminating evidence was found; that the officers removed the telephone from the premises; that the complainant was released from jail on a writ of habeas corpus and ordered to return for hearing in the Superior Court; that after further investigation of the charge no warrant for complainant's arrest was issued; that complainant has never been a bookmaker and has never been connected with bookmaking; and that the complainant has never been arrested for bookmaking.

Exhibit No. 1 is a copy of a letter dated June 30, 1960, from the Captain of the Vice Detail of the Los Angeles County

Sheriff's Department to the defendant advising the defendant that on June 30, 1960, complainant's telephone at 8534 East Compton Boulevard, Paramount, California, under number MEtcalf 3-5510, was 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 was removed by the officers; and requesting that the telephone service be disconnected. The record shows that this letter was received on July 5, 1960, and that pursuant thereto the service was disconnected on July 11, 1960, and that pursuant to Decision No. 60459, supra, service was reconnected on August 6, 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.

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 therefore the telephone service should be reconnected.

ORDER

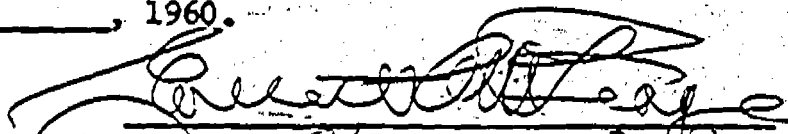
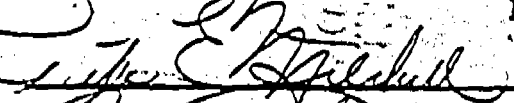
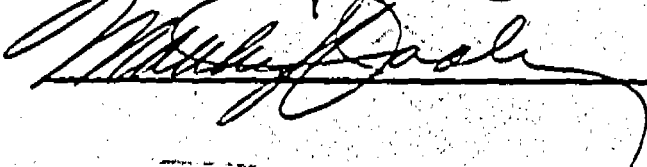
The complaint of Sadie Drabek against The Pacific Telephone and Telegraph Company, a corporation, having been

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. 60459, in Case No. 6624, dated August 2, 1960, 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 25<sup>th</sup> day of OCTOBER, 1960.

  
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President  
  
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Commissioners

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