

ORIGINAL

Decision No. 61060

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Elsie B. Lunetta,

Complainant,

vs.

The Pacific Telephone and Telegraph
Company, a corporation,

Defendant.

Case No. 6974

Elsie B. Lunetta, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for
the defendant.
Roger Arnebergh, City Attorney, by Bernard
Patrusky, Deputy City Attorney, intervener.

O P I N I O N

By the complaint herein, filed on September 8, 1960,
Elsie B. (Huddleston) Lunetta requests the restoration of telephone
service at her residence, 3014 Minnesota Street, Los Angeles,
California.

By Decision No. 60772, dated September 20, 1960, in
Case No. 6974, the Commission ordered that the defendant,
The Pacific Telephone and Telegraph Company, a corporation, restore
telephone service to the complainant pending a hearing on the
complaint herein.

On September 28, 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 July 21, 1958, had reasonable cause to believe that the telephone service furnished to complainant under number Capitol 2-2073 at 3014 Minnesota Street, 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 the complaint was held before Examiner Kent C. Rogers in Los Angeles on October 21, 1960.

The complainant testified that prior to August, 1958, she was the subscriber to the telephone service furnished by the defendant at 3014 Minnesota Street, Los Angeles, California, under her maiden name of Elsie B. Huddleston; that on or about August 10, 1958, her telephone service was removed by the defendant pursuant to instructions from the Los Angeles Police Department; that she was arrested on that date and the telephone service was disconnected; and that the telephone service was reconnected pursuant to an order from this Commission on or about September 26, 1960.

Exhibit No. 1 is a letter dated July 17, 1958, from the Commander of the Administrative Vice Division of the Los Angeles Police Department to the defendant advising the defendant that the telephone under number Capitol 2-2073, at 3014 Minnesota Street, Los Angeles, California, was, on July 15, 1958, 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 confiscated and requesting that the defendant disconnect the service.

An employee of the telephone company testified that this exhibit was received on July 21, 1958; and that pursuant thereto a central office disconnection was effected on July 24, 1958; and that pursuant to Decision No. 60772, supra, service was reconnected on September 26, 1960. It was the position of the telephone company 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.

A police officer connected with the Vice Division of the Los Angeles Police Department testified that on July 15, 1958, he arrested the complainant at her home; that prior to the arrest he called her telephone number and placed a horse race bet; that he and other officers went to the complainant's home and arrested her; that in the home they found a scratch sheet and blank pads near the telephone; that while he was on the premises the telephone rang six or seven times; that on one occasion the witness answered the telephone and a male voice asked how the action was today; and that the telephone was removed.

After full consideration of this record we 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 for bookmaking purposes in connection with horse racing.

but inasmuch as complainant has been without a telephone for approximately two years the telephone service will be restored.

O R D E R

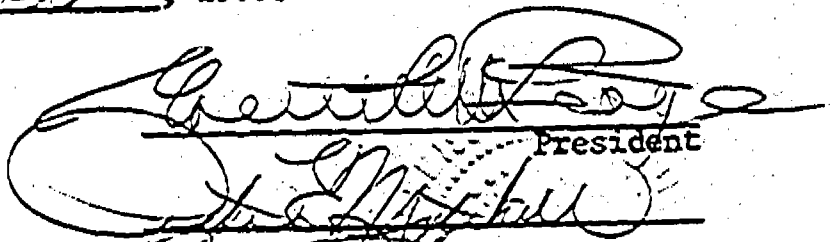
The complaint of Elsie B. Lunetta against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,


IT IS ORDERED:

That the order of the Commission in Decision No. 60772, dated September 20, 1960, in Case No. 6974, 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.

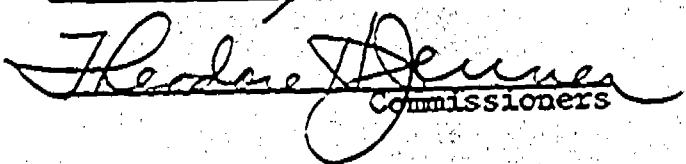
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this
15th day of November, 1960.



President


E. J. Fox



Commissioners