

Decision No. 61918

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDITH B. DUGAL,

Complainant,

vs.

Case No. 7054

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Edith B. Dugal, in propria persona.
Lawler, Felix & Hall, by David A. Workman,
for defendant.
Gordon W. Treharne, for the County of
Los Angeles, intervenor.

O P I N I O N

By the complaint, filed on January 25, 1961, Edith B. Dugal requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to install telephone service at her home at 5443 West 118th Place, Inglewood, California.

On February 8, 1961, 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 October 7, 1960, had reasonable cause to believe that the telephone service furnished to Edith B. Dugal under number OSborne 5-8274 at 5443 West 118th Place, Inglewood, 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. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on March 17, 1961, before Examiner Robert D. DeWolf.

The Sheriff of Los Angeles County appeared by Deputy County Counsel and asked leave to intervene.

A deputy sheriff testified that he dialed applicant's phone number on October 5, 1960, and placed wagers on horse races; that thereafter he entered the premises and found papers and equipment used in making bets on horse races and arrested Joseph Dugal, the husband of applicant, on the premises; that Joseph Dugal thereafter filed a plea of guilty to bookmaking, a violation of Section 337a of the Penal Code.

Applicant testified that she needs a telephone to obtain part time employment and for medical reasons; that she will not use the phone for any illegal purpose; that Joseph Dugal does not now reside on said premises; that she was away at work at the time of his arrest; and that she does not know his present whereabouts, and had nothing to do with his activities in bookmaking.

Exhibit No. 1 is a letter dated October 5, 1960, from the Sheriff of Los Angeles County to the defendant advising that the telephone furnished to Edith B. Dugal under number OSborne 5-8274 at 5443 West 118th Place, Inglewood, California, was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone

company disconnect the service. Pursuant thereto a central office disconnection was effected.

After full consideration of this record the Commission finds and concludes that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, and we further find that the complainant's telephone was used for bookmaking purposes in connection with horse racing.

O R D E R

The complaint of Edith B. Dugal 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 herein,

IT IS ORDERED that upon the expiration of sixty days after the effective date of this order, the complainant herein may file an application with the utility for telephone service, and if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's place of residence at 5443 West 118th Place, Inglewood, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of May, 1961.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners