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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM A. SISTO and
RACHELLE JOHNS,

Complainants,

vs.

Case No. 7067

PACIFIC TELEPHONE COMPANY,
a corporation,

Defendant.

Kroneberger & Goetz, by Walter Kroneberger,
for complainants.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Bernard
Patrusky, Deputy City Attorney, for the
Los Angeles Police Department, intervener.

O P I N I O N

By the complaint filed on February 21, 1961, William A. Sisto and Rachelle Johns request an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall their telephone service at the residence at 302 West Sandison Street, Wilmington, California.

On March 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 February 6, 1961, had reasonable cause to believe that the telephone services furnished to William A. Sisto under number TErMinal 5-3528 and Rachelle Johns,

under number Terminal 5-3645, both at 302 West Sandison Street, Wilmington, California, were being or were to be used as instrumentalities 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 services 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 May 12, 1961, before Examiner Robert D. DeWolf.

The Police Department of Los Angeles appeared and intervened by the City Attorney of Los Angeles. A police officer testified to the arrest of William A. Sisto, one of the complainants, in the premises on February 1, 1961, on a charge of bookmaking, a violation of Section 337a of the Penal Code. The officer testified that William A. Sisto was using the telephone, Terminal 5-3645, in the bedroom at the time he was admitted to the premises and that when the officer entered the bedroom, William A. Sisto placed the telephone in a pail of water, and that thereafter said telephone did not operate. The officer testified that he found a copy of the National Daily Reporter and other betting equipment on the premises and that a radio was on in the room and playing race results. The officer further testified that thereafter while he was on the premises the telephone in the kitchen, Terminal 5-3528, rang and he answered this telephone and the party said, "Have you got anything for the sixth race?" and after the officer answered the party said, "This ain't Bill" and hung up.

Mrs. Rachelle Johns testified that she formerly lived in the bedroom on said premises and moved therefrom in September 1960, to another address about a block away and that she left the telephone Terminal 5-3645, in the bedroom there as a gift to her niece and still wishes to keep said telephone there as a gift for her niece.

William A. Sisto, the complainant, testified to the truth of the allegations in the complaint and that all charges of book-making against him were dismissed at the preliminary hearing.

Exhibit No. 1 is a letter dated February 2, 1961, from the Police Department of Los Angeles to the defendant advising that the telephone furnished to William A. Sisto under number Terminal 5-3528 at 302 West Sandison Street, Wilmington, 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. That pursuant thereto a central office disconnection was effected.

Exhibit No. 2 is a letter dated February 2, 1961, from the Police Department of Los Angeles to the defendant advising that the telephone furnished to Rachelle B. Johns under number Terminal 5-3645 at 302 West Sandison, Wilmington, 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. That 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 complainants' telephones were used as

instrumentalities to violate the law in that they were used for bookmaking purposes in connection with horse racing.

O R D E R

The complaint of William A. Sisto and Rachelle B. Johns 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 the complainants' requests for an order directing defendant to restore telephone service are denied. ✓

IT IS FURTHER ORDERED that upon the expiration of sixty days after the effective date of this order, the complainants herein, or either of them, may file an application for telephone service and, if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at complainants' address at 302 West Sandison Street, Wilmington, 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 18th day of JULY, 1962.

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