

Decision No. 62391

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ERMA ROSE BOHL,

Complainant,

vs.

Case No. 7086

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Erma Rose Bohl, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for
defendant.
Harold W. Kennedy, County Counsel, by Gordon W.
Trehanne, for the Los Angeles County Sheriff's
Department, intervenor.

O P I N I O N

By the complaint herein, filed on March 27, 1961, Erma Rose Bohl requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 2312 South Fulton Avenue, Monterey Park, California.

By Decision No. 61803, dated April 11, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On April 21, 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 December 30, 1960, had

reasonable cause to believe that the telephone service furnished to Ernest Bohl under number Parkview 8-1417 at 2312 South Fulton Avenue, Monterey Park, 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.

A public hearing was held in Los Angeles on June 22, 1961, before Examiner Robert D. DeWolf.

Exhibit No. 1 is a letter dated December 28, 1960, from William R. Hayes, Captain, Vice Detail, Office of the Sheriff of Los Angeles County, to the defendant advising the defendant that the telephone furnished to Ernest Bohl under number Parkview 8-1417 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, and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415 in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

Mrs. Bohl testified that she was arrested and charged with having possession of bookmaking paraphernalia; that she pleaded guilty and paid a fine for violation of Section 337a of the Penal Code; that she denied the use of the telephone for accepting or placing bets and stated she would not use the telephone for any illegal purpose in the future. Complainant also stated

that she was caring for her invalid mother over 80 years of age and has great need for a telephone to call a doctor if necessary.

A deputy sheriff testified that he called complainant's telephone number and placed a bet with the female voice answering the telephone and that he entered the premises and found numerous betting markers.

Complainant stated that complaint is in error in that the telephone is listed in the name of her husband, Ernest Bohl, and not in her name. Complainant and defendant stipulated to the amendment of the complaint to show Ernest Bohl as the subscriber to said telephone and the prayer for restoration of said service in his name.

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, and we further find that the evidence discloses the complainant's telephone was used for book-making purposes and that the complainant has been without the use of a telephone for more than 90 days and has paid a fine. Telephone service should be restored in the name of Ernest Bohl, at 2312 South Fulton Avenue, Monterey Park, California, and he will be substituted as complainant for that purpose.

O R D E R

The complaint of Erma Rose Bohl 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 order of the Commission in Decision No. 61803, dated April 11, 1961, in Case No. 7086, temporarily restoring telephone service to the complainant, be amended to show

restoration of service to Ernest Bohl, and that, as amended, said order 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 8th day of AUGUST, 1961.

Charles A. Rose
President
W. E. B. Blythe
E. J. Fox
George H. Brown
Fredrick B. Holbrook
Commissioners