

ORIGINAL

Decision No. 62666

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IRENE WARE,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7159

Brian J. Kennedy, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, by Bernard Patrusky, for City
Attorney, intervener.

O P I N I O N

By the complaint herein, filed on July 25, 1961, Irene Ware requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, be required to reinstall telephone service at her home at 143 South Hoover Street, Apartment 1, Los Angeles, California.

On August 9, 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 March 30, 1961, had

reasonable cause to believe that the telephone service furnished to Irene Ware under number DUnkirk 3-9717 at 143 South Hoover Street, Apartment 1, 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 was held in Los Angeles on September 13, 1961, before Examiner Robert D. De Wolf.

The complainant testified that she is not a bookmaker, but admitted that she had called a bookmaker on the phone to place bets on a horse race for an amount of one or two dollars, but only for her own account and not for anyone else. She stated that she has great need for a telephone and that she will not use the same for bookmaking or any violation of law.

Exhibit No. 1 is a letter dated March 29, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Irene Ware under number DU39717 at 143 South Hoover, Apartment 1, 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.

A police officer testified that he phoned complainant's number from a service station on March 25, 1961, and received a bet on a horse race, after which complainant was arrested.

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; that the complainant's telephone was used as an instrumentality to violate the law in that it was used for placing bets on horse races; that complainant's telephone has now been disconnected more than six months; that there is urgent need for a telephone by complainant; and that the complainant should have telephone service restored at her residence at 143 South Hoover Street, Apartment 1, Los Angeles, California.

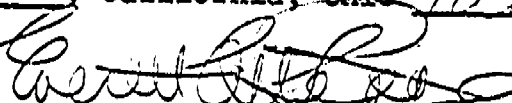
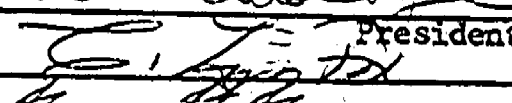
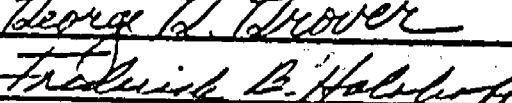
O R D E R

The complaint of Irene Ware 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 complainant's request for telephone service is granted and that, upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 143 South Hoover Street, Apartment 1, Los Angeles, 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 five days after the date hereof.

Dated at San Francisco, California, this 10th of October, 1961.


 _____ President

 _____ George T. Grover

 _____ Franklin B. Halbach

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.