

ORIGINAL

Decision No. 62721

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAMONA SHOEMAKER,

Complainant,

Case No. 7146

vs.

PACIFIC TELEPHONE COMPANY,

Defendant.

Ramona M. Shoemaker, in propria persona.
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 3, 1961, Ramona Shoemaker requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at her home at 6578 Van Ness Avenue, Los Angeles, California.

By Decision No. 62273, dated July 18, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On July 26, 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 June 27, 1961, had reasonable cause to believe that the telephone service furnished to Ramona

Shoemaker under number FLeasant 9-1588 at 6578 South Van Ness Avenue, 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.

A public hearing was held in Los Angeles on September 8, 1961, before Examiner Robert D. DeWolf.

Exhibit No. 1 is a letter dated June 23, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Ramona Shoemaker under number PL 9-1588 at 6578 South Van Ness Avenue, 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.

Complainant testified that she had only recently met one Lois Williams and had allowed her to move in with her to share said premises for two weeks; that she never answered the telephone for her and did not know of any of the alleged bookmaking activities; that said Lois Williams does not now live with complainant at said address; that complainant does not know her present whereabouts; and that said Lois Williams is indebted to complainant for the agreed rental of said premises.

A police officer testified that he conducted a raid at 6578 South Van Ness Avenue, Los Angeles, California, on June 21, 1961, and arrested Lois Williams, who stated she had been living

there with the complainant about two weeks; that after entry of the premises the telephone rang several times and the officer answered and each time the party calling asked to place a bet on a horse race; that the officer searched the premises and found a copy of the National Daily Reporter on the kitchen sink; and that complainant was not there at any time during the search and was not contacted.

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 bookmaking purposes in connection with horse racing; that this complainant was not charged with any connection with bookmaking activities and had no knowledge of the activities of Lois Williams; that there is urgent need for a telephone by complainant; and that the complainant should have telephone service at her home at 6578 South Van Ness Avenue, Los Angeles, California, restored.

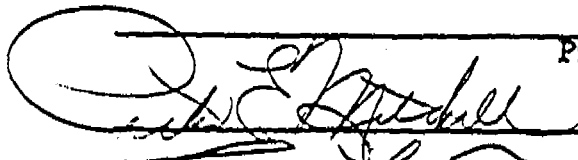
O R D E R


The complaint of Ramona Shoemaker 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,

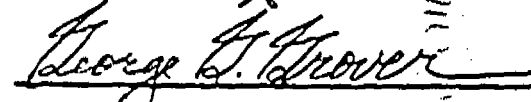
IT IS ORDERED that the order of the Commission in Decision No. 62273, dated July 18, 1961, in Case No. 7146, temporarily restoring telephone service to the complainant, be made permanent, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.


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

Dated at Los Angeles, California, this 24th day of OCTOBER, 1961.



President






Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.