

Decision No. 62832

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. MURPHY BARZART,

Complainant,

vs.

Case No. 7174

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Mrs. Murphy Barzart, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr., for
the defendant.
Roger Arnebergh, by Lawrence J. Moreno, for the
Police Department of the City of Los Angeles,
intervener.

O P I N I O N

By the complaint herein, filed on August 14, 1961,
Mrs. Murphy Barzart requests an order of this Commission that the de-
fendant, The Pacific Telephone and Telegraph Company, a corporation,
be required to reinstall telephone service at her home at 2261 W.
28th Street, Los Angeles, California.

By Decision No. 62478, dated August 29, 1961, the Commission
ordered that the defendant restore telephone service to the complain-
ant pending hearing on the matter.

On September 7, 1961, the telephone company filed an answer,
the principal allegation of which was that the telephone company, pur-
suant to Decision No. 41415, dated April 6, 1948, in Case No. 4930
(47 Cal. P.U.C. 853), on or about August 9, 1961, had reasonable
cause to believe that the telephone service furnished to Murphy

Barzart under number REpublic 4-6580 at 2261 West 28th Street, 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 October 20, 1961, before Examiner Robert D. De Wolf.

Complainant testified she rented a room to a Mrs. Grey who stayed a week until she was arrested on a charge of bookmaking. Telephone service is needed by complainant on account of a cardiac condition.

Exhibit No. 1 is a medical report by complainant's doctor who states she has urgent need of a telephone.

Exhibit No. 2 is a letter dated August 7, 1961, from the Police Department of the City of Los Angeles to the defendant advising that the telephone furnished to Murphy Barzart under number RE 46580 and one extension at 2261 W. 28th Street, Los Angeles, California, were 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 he conducted a raid at 2261 West 28th Street, Los Angeles, California, on August 18, 1961, and arrested Bertha Condell Grey. After he entered 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. The officer searched the premises and found the racing forms contained in the sports

section of the Los Angeles papers. The complainant and her husband were not accused of bookmaking.

Findings and Conclusions

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 for bookmaking purposes in connection with horse racing; that the complainant has urgent need for a telephone to contact her doctor; and that she should have telephone service restored.


O R D E R


The complaint of Mrs. Murphy Barzart 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. 62478, dated August 29, 1961, 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 San Francisco, California, this
21st day of November 1961.



President








Commissioners