

Decision No. 62891

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

J. V. SCOTT,  
Complainant,

vs.

Case No. 7166

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,  
Defendant.

Joseph T. Forno, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for 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 11, 1961, J. V. Scott requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at his home at 4172 South Wall Street, Los Angeles, California.

By Decision No. 62438, dated August 22, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On September 1, 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 July 17, 1961, had reasonable cause

to believe that the telephone service furnished to J. V. Scott at 4172 Wall 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. DeWolf.

Complainant testified he was arrested for bookmaking on July 12, 1961, but was not engaged in bookmaking as a business and only phoned in bets to a bookmaker for himself and on one occasion, for a friend. His wife is critically ill and he needs a telephone in order to call a doctor when needed.

Exhibit No. 1 is a letter dated July 13, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to J. V. Scott under number AD 27997 at 4172 Wall Street 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 was sworn but did not testify.

#### 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 as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing; that the complainant has been without telephone service for forty-seven days; that the complainant has

urgent need for a telephone for his wife who is seriously ill; and that the complainant should have telephone service restored at 4172 Wall Street, Los Angeles, California.

O R D E R

The complaint of J. V. Scott 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. 62438, dated August 22, 1961, in Case No. 7166, 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 14<sup>th</sup> day of December, 1961.

*Carroll W. Page*  
President

*S. Linton*

*George A. Hoover*

*Frederic B. Holboff*

Commissioners

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