Decision No. _____ 63102 _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALLENE ROSS, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, Defendant.	Case No. 7191

Allene Ross, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.
Roger Arnebergh, by Charles William Sullivan,
 for City of Los Angeles, intervener.

OPINION

By the complaint herein, filed on September 14, 1961, Allene Ross 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 537 West 50th Street.

On September 27, 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 January 12, 1961, had reasonable cause to believe that the telephone service furnished to Allene Ross under number ADams 3-0472 at 537 West 50th 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 November 17, 1961, before Examiner Robert D. DeWolf and submitted on said date.

Complainant admitted use of the telephone to take bets for about two months prior to disconnection of the telephone. Complainant needs a telephone to get medical help for her mother-in-law who has asthma. The telephone has been disconnected for more than ten months. Complainant states that she will not use the telephone for any unlawful purpose.

Exhibit No. 1 is a letter dated January 11, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Allene Ross under number AD 30472 at 537 West 50th 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.

There was no evidence offered by the police department.

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, and 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. Complainant's telephone has now been disconnected more than ten months and there is urgent need for a telephone by complainant's family and, therefore, the

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complainant should have telephone service restored at her residence at 537 West 50th Street, Los Angeles, California.

O R D E R

The complaint of Allene Ross 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 reinstall telephone service at the complainant's place of residence at 537 West 50th Street, 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 ____ 9th ____ day of _____ JANUARY _____, 1962.

<div align="right">President</div>

<div align="right">Commissioners</div>