

Decision No. 63118

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HELEN EARL,

Complainant,

vs.

Case No. 7190

PACIFIC TELEPHONE AND TELEGRAPH,
a corporation,

Defendant.

James S. Fitzpatrick, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, by Charles William Sullivan,
for City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on September 14, 1961, Helen Earl 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 1763 West 37th Drive, Los Angeles, California.

By Decision No. 62591, dated September 25, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On October 6, 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 December 5, 1960, had

reasonable cause to believe that the telephone service furnished to Helen M. Earl under number REpublic 2-0651 at 1763 West 37th Drive, 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 the same date.

Complainant testified that she needs a telephone for her own use to get work as a practical nurse; that she has not had a telephone for over a year and has never engaged in bookmaking.

Exhibit No. 1 is a letter dated December 1, 1960, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Helen M. Earl under number RE 20651 and extension at 1763 West 37th Drive 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 conducted a raid at the address at 1763 West 37th Drive, Los Angeles, California, on November 22, 1960, and arrested a Miss Grey and found betting markers, a National Daily Reporter and betting equipment on the premises, and answered the telephone, while on the premises, accepting bets.

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; that complainant's telephone has now been disconnected more than one year and there is urgent need for a telephone by complainant's family and, therefore, that the complainant should have telephone service restored at her residence at 1763 West 37th Drive, Los Angeles 18, California.

O R D E R

The complaint of Helen Earl 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. 62591, dated September 25, 1961, in Case No. 7190, 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 16th day of JANUARY, 1962

Wesley A. Page

President

[Signature]

[Signature]

George H. Hoover

Fredrick B. Hallock

Commissioners