

ORIGINAL

Decision No. 63177

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALMA WATKINS,

Complainant,

vs.

Case No. 7193

PACIFIC TELEPHONE AND TELEGRAPH CO.,
a corporation,

Defendant.

Arthur D. Cohen, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Charles L. Sullivan, for the Los Angeles Police
Department, intervener.

O P I N I O N

By the complaint herein, filed on September 21, 1961, Alma Watkins 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 527 West 83rd Street, Los Angeles, California.

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 September 14, 1961, had reasonable cause to believe that the telephone service furnished to Alma Watkins under number PL 2-4544, and three extensions, at 527 West 83rd 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, and that complainant's said service remains disconnected and discontinued.

A public hearing was held in Los Angeles on December 8, 1961, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that her cousin was arrested and her telephones removed on September 6, 1961. She is a custodian and needs telephone service to get work. She has no knowledge of any bookmaking activities.

Exhibit No. 1 is a letter dated September 12, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Alma Watkins under number PL 2-4544, and 3 extensions, at 527 W. 83rd 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 testified that he entered the complainant's premises on September 6, 1961, with three other officers and arrested a male person alleged to be the cousin of complainant. Four telephones were removed from the premises. While on the premises the telephone rang on 15 occasions and the callers in several instances asked to place bets on horse races. Racing forms, betting markers, copies of the National Daily Reporter, and other betting equipment and material were found on the premises.

After full consideration of this record, we now find and conclude 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; and that complainant has been without telephone service at said address since September 6, 1961.

O R D E R

The complaint of Alma Watkins 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 denied.

IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order, the complainant herein may file an application with the utility for telephone service and, if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's address at 527 West 83rd 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 twenty days after the date hereof.

Dated at San Francisco, California, this 26th day of JANUARY, 1962.

W. E. Page
President

George T. Grover

Fredrick B. Halaloff

Commissioners

Peter E. Mitchell

Commissioner's C. Lynn Fox, being necessarily absent, did not participate in the disposition of this proceeding.