

ORIGINAL

Decision No. 63331

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LUCY JEFFERSON,

Complainant,

vs.

PACIFIC TELEPHONE and TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 7225

James S. Fitzpatrick, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, by Charles W. Sullivan, for the  
Los Angeles Police Department, intervener.

O P I N I O N

By the complaint herein, filed on November 6, 1961, Lucy Jefferson 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 903 North Northwood, Compton, California.

On November 17, 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 May 15, 1961, had reasonable cause to believe that the telephone service furnished to Nathaniel Jefferson under number NEvada 6-2812 at 903 North Northwood Avenue, Compton, 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 January 17, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same day.

Complainant testified that her husband is in the U. S. Navy and when on leave at home needs a telephone to keep in touch with his ship; that she has not had a telephone since May 10, 1961; that prior thereto for a few days she used the phone to place bets on horse races; and that she pleaded guilty and paid a fine of \$150.

Exhibit No. 1 is a letter dated May 10, 1961, from the Office of the Sheriff of the County of Los Angeles to the defendant, advising that the telephone and one extension furnished to Nathaniel Jefferson under number NE 6-2812 at 903 Northwood Ave., Compton, Calif., 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 testimony by any law enforcement officer. A deputy city attorney appeared and intervened for the Sheriff's office and cross-examined the complainant.

The attorneys for the parties stipulated to amendment of the complaint and the prayer to show that the complainant was

not the subscriber to telephone service and for installation of new service instead of restoration of service.

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 telephone at complainant's residence was used as an instrumentality to violate the law in that it was used for book-making purposes in connection with horse racing. Such telephone has now been disconnected more than eight months and complainant has pleaded guilty and paid a fine. Defendant will be ordered to install telephone service as set forth in the following order.

O R D E R

The complaint of Lucy Jefferson 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 install telephone service at the complainant's place of residence at 903 North Northwood Avenue, Compton, 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 26th day of February, 1962.

General Atcheyon  
President

John J. McArthur

Edward J. Fox

Fredrick B. Hillhoff

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Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.