

ORIGINAL

Decision No. 63365

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Anna M. Dumas,

Complainant,

vs.

Case No. 7218

The Pacific Telephone
and Telegraph Company,
a corporation,

Defendant.

Anna M. Dumas, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Charles W.
Sullivan, for the Los Angeles City Police
Department, intervener.

O P I N I O N

By the complaint herein, filed October 30, 1961, Anna M. Dumas 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 1558 West 47th Street, Los Angeles, California.

By Decision No. 62788, dated November 14, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On November 22, 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 June 22, 1961, had reasonable cause to believe that the telephone service furnished to Mrs. Anna M. Dumas under number AXminister 3-2504 at 1558 West 47th 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 January 31, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

The complainant, Anna M. Dumas, testified that when she returned home on June 4, 1961, her telephone had been removed without her knowledge; that she has great need for a telephone on account of her aged father who is 86 years old; that she has not used the telephone for any unlawful activities and does not intend to do so in the future and did not know of the activities of the persons who were arrested in her home for bookmaking; and that she had not had a phone for four months until it was reinstalled by Commission order.

Exhibit No. 1 is a letter dated June 20, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Anna M. Dumas under number AX 32504 at 1558 West 47th 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 premises at 1558 West 47th Street, Los Angeles, on June 4, 1961, and arrested two persons. When he entered the premises bits of paper were smoldering in the ash tray and one of the parties who was arrested was seated at a formica table and was wiping pencil marks from it with a sponge and cleanser. The officer found a racing section of the newspaper dated June 4, 1961, in the room and the other party arrested was using the phone to place bets with another officer at a pay station three blocks away.

The officer further testified that complainant was not present and that he had not seen her before the date of the hearing.

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 was not identified as a participant therein; that complainant's telephone has now been disconnected more than five months; that there is urgent need for a telephone by complainant; and that the complainant should have telephone service restored at her residence at 1558 West 47th Street, Los Angeles, California.

O R D E R

The complaint of Anna M. Dumas 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. 62788, dated November 14, 1961, in Case No. 7218, 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 6th
day of MARCH, 1962.

Wm. L. B. L. L.
President
W. L. Mitchell
E. L. Fox
George E. Grover
Frederick B. Holdorf
Commissioners