

ORIGINAL

Decision No. 63365

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LILLIAN C. CARO,

Complainant,

vs.

Case No. 7227

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Joseph T. Forno, for complainant.  
Lawler, Felix & Hall, by A. J. Kreppman, Jr.,  
for defendant.  
Roger Arnebergh, by Charles W. Sullivan,  
for the Los Angeles City Police Department,  
intervener.

O P I N I O N

By the complaint herein, filed on November 8, 1961, Lillian C. Caro 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 5028 Maplewood Avenue, Los Angeles, California.

By Decision No. 62823, dated November 21, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On December 1, 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 November 8, 1961, had reasonable cause to believe that the telephone service furnished to Lillian Caro under number Hollywood 5-3838, at 5028 Maplewood Avenue, 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, Lillian C. Caro, testified that she is a housewife and has a telephone under number Hollywood 5-3838 in the kitchen, and two extensions, one in the bedroom and one in the breakfast room, in the house which has ten rooms. She further testified that she knows nothing about bookmaking on horse races; that she has never used the telephone for any unlawful purpose and does not intend to do so in the future; and that she has two small children who are in school. She further testified that she belongs to the Hollywood Garden Club, the Parent-Teachers Association, and has other active social duties which require the use of a telephone.

Exhibit No. 1 is a letter dated November 6, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone and two extensions furnished to Lillian Caro under number HO 53838 at 5028 Maplewood Avenue 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 and other officers with a search warrant conducted a search of the premises at 5028 Maplewood Avenue, Los Angeles, California; that, among other things, they removed seven telephone instruments from the premises, one phone and two extensions in the name of complainant and another with three extensions in the name of her husband; and that during the hour and fifteen minutes while they were on the premises the phone at the husband's desk rang nine times.

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 evidence fails to show that the complainant's telephone was used for any illegal purpose; and that, therefore, the complainant is entitled to restoration of telephone service.

#### O R D E R

The complaint of Lillian C. Caro 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. 62823, dated November 21, 1961, in Case No. 7227,

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.

Everett C. McKeage  
President  
Peter E. Mitchell  
C. Lyn Fox  
George G. Grover  
Fredrick B. Holoboff  
Commissioners

EVERETT C. McKEAGE  
President  
PETER E. MITCHELL  
C. LYN FOX  
GEORGE G. GROVER  
FREDERICK B. HOLOBOFF  
Commissioners