

ORIGINAL

Decision No. 63394

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VIVIAN DODD,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 7250

Freshman, Marantz & Comsky, by Irving Fuller,  
for complainant.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

Roger Arnebergh, City Attorney, by Charles W.  
Sullivan, for Los Angeles Police Department,  
intervener.

O P I N I O N

By the complaint herein, filed on December 8, 1961, Vivian Dodd requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 3863 South Normandie Avenue, Apartment 6, Los Angeles, California.

By Decision No. 62944, dated December 19, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending further order.

On January 2, 1962, 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 July 21, 1961, had reasonable cause to believe that the telephone service furnished to Vivian Dodd under number REpublic 1-1802 at 3863 South Normandie Avenue, Apartment 6, 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 February 7, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated July 20, 1961, from the Police Department of the City of Los Angeles to the defendant advising the defendant that the telephone furnished to Vivian Dodd under number RE 11802 was being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415 in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

Complainant testified that she has great need of a telephone to secure work as a nurse, and to contact her employer. She further testified that she has never used the phone for any

illegal purpose and that she was away at work when her daughter-in-law was arrested on a bookmaking charge.

A police officer from the Los Angeles Police Department testified that he conducted a raid at the complainant's address and made an arrest there, and that he found a National Daily Reporter, a bettor's guide, and other equipment. The officer further testified that when he called the number the answering voice refused to take a bet he offered, and a female voice said: "You must have a wrong number." No betting markers were found on the premises, and the officer did not see or hear anyone use the phone in any violation of the law.

After full consideration of this record, we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, and we further find 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 Vivian Dodd 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. 62944, dated December 19, 1961, in Case No. 7250,

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 13<sup>th</sup> day of MAY, 1962.

Quentin B. Page  
President  
W. E. Mitchell  
F. J. Fox  
George G. Grover  
Fredrick B. Hallock  
Commissioners