

ORIGINAL

Decision No. 63570

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANNA MAE WEBB,

Complainant,

vs.

Case No. 7278

PACIFIC TELEPHONE COMPANY,  
a corporation,

Defendant.

Anna Mae Webb, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for the defendant.  
Roger Arnebergh, by Charles E. Greenberg,  
for City of Los Angeles, intervenor.

O P I N I O N

By the complaint herein, filed February 7, 1962, Anna Mae Webb requests an order of this Commission that the defendant, Pacific Telephone Company, a corporation, be required to reinstall telephone service at her residence at 1592 East 112th Street, Los Angeles, California.

On February 19, 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 January 15, 1962, had reasonable cause to believe that the telephone service furnished to Anna Webb under number LOrain 7-4559 at 1592 East 112th 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 March 21, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated January 11, 1962, from the Commander of the Vice Division of the Police Department of Los Angeles to the defendant, advising the defendant that the telephone furnished under number LO 74559 and one extension 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 Anna Mae Webb testified that she has need for telephone service at her residence, among other things, to call a doctor in case of illness for her child who has asthma; that she has one phone downstairs and an extension upstairs and both phones have been removed and she does not now have any telephone service.

A police officer testified that he observed two women enter the back door of complainant's apartment and that he then entered the premises and found complainant seated at a table with several others. The officer removed a copy of the National Daily Reporter from the table, also a sponge and a formica chip, and

picked up a betting marker from the floor on which were the names of horses running at Santa Anita and a notation of a one-dollar bet across the board for January 10, 1962. The officer testified that before leaving, the phone rang and he answered it and the calling party asked for "Anna", stating that he was "No. 33" and wanted something down in the fourth race; and that he wanted "No. 16" in the fourth to win. The officer then removed the telephones.

After full consideration of this record, we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415. We further find 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. However, since no interim relief was obtained and complainant has been without telephone service for some ninety days, in view of the need for service testified to by complainant, reinstallation of service will be ordered as follows.

O R D E R

The complaint of Anna Mae Webb 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,

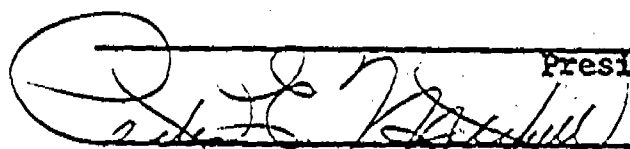

IT IS ORDERED that the complainant's request for immediate reinstallation of telephone service is granted.

IT IS FURTHER ORDERED that upon application by complainant to the utility for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's address at 1952 East 112th 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 the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day  
of APRIL, 1962.

 President  
  
George D. Brewer  
Fredrick B. Hallock Commissioners

Commissioner Everett C. McKeage, being  
necessarily absent, did not participate  
in the disposition of this proceeding.