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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BOBBY LEE HASTY AND ROSE LEE HASTY

Complainant

2042 West 68th St. Los Angeles 47,
California.

vs.

Case No. 7281

PACIFIC TELEPHONE COMPANY.

Defendant

740 South Olive St., Los Angeles,
California

Rose Lee Hasty and Bobby Lee Hasty, in propria
personae.

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

Roger Arnebergh, by Edward P. George, Deputy
City Attorney, for Police Department of
the City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed February 13, 1962, Bobby Lee Hasty and Rose Lee Hasty request an order of this Commission that the defendant, The Pacific Telephone Company, be required to reinstall telephone service at their residence at 2042 West 68th Street, Los Angeles, California.

On February 26, 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 December 22, 1961, had reasonable cause to believe that the telephone service furnished to Ludie M. Burrell under number PLeasant 9-9358 at 2042 West 68th 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 23, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a copy of a letter dated December 20, 1961, from the Commander of the Vice Division of the Police Department of the City of Los Angeles to the defendant, advising the defendant that the telephone and one extension furnished to L. M. Burrell under number PL 99358 at 2042 West 68th Street 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, Bobby Lee Hasty, testified that he has been using telephone service listed in the name of his daughter, Ludie M. Burrell, who no longer resides at his home, and that said service

was disconnected at the request of the police department and the charges filed against the daughter were dismissed later. Complainant needs a telephone to contact his employer and also in his work to contact the accounts of the company. Complainant, Rose Lee Hasty, requested dismissal of her complaint for telephone service in her name.

The City Attorney appeared and intervened on behalf of the Los Angeles Police Department and cross-examined the complainant, but offered no other evidence in opposition to complainant's request for installation of telephone 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; 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 installation of telephone service.

O R D E R

The complaint of Bobby Lee Hasty and Rose Lee Hasty 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 request of complainant, Bobby Lee Hasty, for telephone service is granted and the complaint of Rose Lee Hasty is dismissed, and that upon the filing by the complainant,

Bobby Lee Hasty, 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 2042 West 68th 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 five days after the date hereof.

Dated at San Francisco, California, this 12
day of MAY, 1962.

Charles W. Page
President
W. E. Marshall
E. L. Fox
George J. Grover
Frederick B. Holcomb
Commissioners