

ORIGINALDecision No. 64028

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DORIS EPSTEIN,

Complainant,

vs.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 7349

Walter L. Gordon, Jr., for complainant.
 Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.
 Harold W. Kennedy, County Counsel, by
 DeWitt Clinton, for the Sheriff of Los
 Angeles County, intervener.

O P I N I O N

By the complaint herein, filed on May 8, 1962, Doris Epstein 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 1406½ West 131st Street, Compton, California.

On May 25, 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 September 29, 1961, had reasonable cause to believe that the telephone service furnished to Doris Epstein under number NEvada 6-8209 at 1406½

West 131st Street, Compton, 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 July 9, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that she has great need for telephone service in order to receive calls for employment in her work as cannery employee. She admitted the arrest and conviction for bookmaking and testified that she no longer engaged in any illegal activities and would not do so in the future.

A deputy county counsel appeared and examined complainant but no testimony was offered on behalf of any law enforcement agency.

Exhibit No. 1 is a letter dated September 29, 1961, from the Sheriff of Los Angeles County to the defendant, advising that the telephone furnished to Doris Epstein under number NEvada 6-8209 at 1406½ West 131st Street, Compton, California, 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.

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 discloses that the complainant's telephone was

used for bookmaking, but that the complainant has been without the use of a telephone for over nine months and has paid a fine, and that telephone service should not be withheld.

ORDER

The complaint of Doris Epstein 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 complainant's request for telephone service is granted, and that, upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's home at 1406½ West 131st Street, Compton, 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 31st day of JULY, 1962.

George G. Grover
President

Edw. E. Brichell

James T. ...
Robert ...

Frederick B. Hallock
Commissioners