

ORIGINAL

Decision No. 65192

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

REUBEN ASHFORD,

Complainant,

-vs-

Case No. 7511

PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a California corporation,

Defendant.

Marvin L. Klynn, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Nowland C. Hong,
for the Police Department of the City of
Los Angeles, intervener.

O P I N I O N

Mrs. Reuben Ashford seeks restoration of telephone service at 860 West 52nd Street, Los Angeles, California.

Defendant's answer alleges that on or about February 16, 1962, it had reasonable cause to believe that service to complainant under number PL 1-3040 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on February 27, 1963.

By letter of February 15, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number PL 13040 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1).

Mrs. Reuben Ashford testified that she is the complainant and paid a fine of \$150; that she is working and has not since said time been involved in any unlawful activity. Complainant further testified that she has not had a telephone for a year; that she has a daughter in grade school and needs telephone service for family and medical purposes; and that she will not use the telephone for any unlawful purpose in the future.

A deputy city attorney appeared and intervened and cross-examined the complainant. The intervener did not call any witnesses.

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 telephone of Mrs. Reuben Ashford was being used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing. Her telephone has been disconnected and she has been without service over one year. Therefore, telephone service should be restored.

O R D E R

IT IS ORDERED that complainant's request for service is granted, and, 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 860 West 52nd Street, Los Angeles, California, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 9th day of APRIL, 1963.

George F. Grover
President

Edward J. Mitchell

Robert H. Page

Fredrick B. Haseloff

William K. Bennett
Commissioners