

ORIGINAL

Decision No. 67051

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOVIE MARIE MOODY,

Complainant,

vs.

Case No. 7804

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Lovie Marie Moody, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Herbert Blitz,  
for the Police Department of the City of Los  
Angeles, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 196 West 43rd Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66521, dated December 27, 1963).

Defendant's answer alleges that on or about July 23, 1963, it had reasonable cause to believe that service to Louis Moody, Jr., under number AD 2-0995 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 28, 1964.

By letter of July 22, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 232-0995 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that she is a housewife and has two small children, one of whom has asthma and requires medical attention at late hours and one who is in school; that her telephone was disconnected for almost six months before it was reconnected; and that although she was charged with bookmaking, she was found not guilty.

A deputy city attorney appeared for the City of Los Angeles and cross-examined the complainant.

A police officer testified that he called complainant's telephone number on July 18, 1963, asked for Marie and made a bet on a horse race; that when he entered complainant's premises she admitted taking bets on horse races for a man whom she did not know; that he did not find any betting markers and the officer described the procedure as a "tap-out operation".

We find that the defendant's action was based upon reasonable cause; that complainant's telephone was used as an instrumentality to violate the law in connection with bookmaking and that complainant was found not guilty of bookmaking; that complainant's telephone was disconnected almost six months; and that complainant has a sick child suffering from asthma and for said reason her telephone service should be restored.

O R D E R

IT IS ORDERED that Decision No. 66521, dated December 27, 1963, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

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

Dated at SAN FRANCISCO, California, this 7<sup>th</sup> day of April, 1964.

William W. Bennett  
President

George J. Hoover

George J. Hoover

Frederick B. Hollisoff  
Commissioners

I dissent  
Esther L. Miller