

ORIGINAL

Decision No. 67226

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDNA M. PLUMMER,
Complainant,

vs

Case No. 7822

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,
Defendant.

Albert V. Plummer, for complainant.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

Roger Arnebergh, City Attorney, by James H. Kline,
for the Police Department of the City of
Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 3062 Glenhurst Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 66706, dated January 28, 1964).

Defendant's answer alleges that on or about July 12, 1963, it had reasonable cause to believe that service to Edna M. Plummer under number NO 4-8769 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 March 17, 1964.

By letter of July 16, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number NO 48769 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 did not use the telephone for any unlawful purpose; she was acquitted of bookmaking; she has great need for telephone service on account of a recurring heart condition and needs a telephone to secure medical aid; and her telephone was disconnected over six months.

A police officer testified that prior to entering the complainant's premises on the day in question he dialed complainant's telephone nine times and it was busy; that when he did get through, he placed two wagers with a female voice, and his partner entered the premises and found complainant in the kitchen talking to him on the telephone. He testified that he found a racing results page of the sports section of the newspaper on the premises at said time and that complainant admitted acquaintance with and dealing with "Bozo" an alleged bookmaker. No doctor's report of medical disability was submitted. Complainant testified that there was another telephone on the premises which is available for her use.

A deputy city attorney appeared and cross-examined the complainant.

We find that defendant's action was based upon reasonable cause, and that 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, and should be disconnected.

O R D E R

IT IS ORDERED that complainant's request for installation of telephone service is denied and that the temporary interim relief granted by Decision No. 66706, dated January 28, 1964, is vacated and set aside.

IT IS FURTHER ORDERED that, upon the expiration of thirty days after the effective date hereof, complainant may file an application with the utility for telephone service and that, if such application is filed, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 3062 Glenhurst Avenue, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 19th
day of May, 1964.

William L. Bennett
President

John J. [unclear]

Robert W. [unclear]

George E. [unclear]

Frederic B. Holbrook
Commissioners