

ORIGINAL

Decision No. 68119

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Thelma E. Silverman,
 Complainant,
 vs.
 Pacific Telephone, A Corporation,
 Defendant.

Case No. 7914

Thelma E. Silverman, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
 for defendant.
 Roger Arnebergh, City Attorney, by
James H. Kline, for the Police Depart-
ment of the City of Los Angeles,
 intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 4163 Hazeltine Avenue, Sherman Oaks, California. Interim restoration was ordered pending further order (Decision No. 67393, dated June 16, 1964).

Defendant's answer alleges that on or about February 25, 1964, it had reasonable cause to believe that service to Thelma E. Silverman, under number 784-6058 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 August 18, 1964.

By letter of February 21, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 784 6058 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 widow living alone, she has a health problem of nasal hemorrhages, and can produce a medical certificate that such hemorrhages may occur at any time, and she needs a telephone also for her own safety as there have been several robberies in the neighborhood. Complainant testified that an officer called her on the telephone and tried to get her to take a bet on a horse, but that she did not take it. Complainant testified that she was arrested and charged with violations of the Penal Code in ten counts; that nine were dismissed, and she pleaded guilty to a misdemeanor, bookmaking, and has not yet received sentence. Complainant admitted that the officer found papers with names of horses on them on her premises, but denied that they were betting markers. Complainant further testified that she has not engaged in bookmaking, she has great need for telephone service, she did not and will not use the telephone for any unlawful purpose, and her telephone was disconnected for four months.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of any law enforcement agency.

We find that defendant's action was based upon reasonable cause; 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.

We further find that complainant has urgent medical necessity for telephone service and her telephone was disconnected for four months, therefore, telephone service should be restored.

O R D E R

IT IS ORDERED that Decision No. 67393, dated June 16, 1964, 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 27th day of October, 1964.

Frederick B. Holoboff
President

[Signature]

[Signature]

George H. Triver

[Signature]
Commissioners