

ORIGINAL

Decision No. 52708

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Victor Canhoto and Peggy Canhoto,  
Complainants,

vs.

General Telephone Company of  
California, a Corporation,  
Defendant.

Case No. 5710

Rogers and Rogers, by Frank L. Rogers,  
for complainants.  
Marshall K. Taylor and Albert M. Hart,  
by Albert M. Hart, for defendant.

O P I N I O N

The complaint herein of Victor Canhoto and Peggy Canhoto filed on December 29, 1955, alleges that on or about September 4, 1951, a person was arrested in the place of business of Victor Canhoto for telephoning a bet on a horse race; that the defendant on or about September 4, 1951, removed the telephone from complainant Victor Canhoto's place of business and refused and continues to refuse to reinstall telephone service to said place of business or at the home of said complainants; that complainant Victor Canhoto was not involved in the said misuse of said telephone and as a law-abiding citizen is entitled to have telephones installed in his place of business and in his home; that complainant Peggy Canhoto is suffering from residuals of far advanced

pulmonary tuberculosis; and that complainant Peggy Canhoto during the year 1954 had considerable resectional surgery of both lungs on three different operations and as a consequence thereof complainant Peggy Canhoto suffers a shortness of breath and attacks of asthma which require immediate medical assistance. Complainants pray that the defendant be ordered to install telephone service in complainants' places of business and in their home. Attached to the complaint as an exhibit is a letter from a medical doctor in which it is stated that complainant Peggy Canhoto suffers from residuals of far advanced pulmonary tuberculosis; that she is plagued with shortness of breath and attacks of asthma which are disabling and frightening; that during such episodes she is in need of a telephone to summon assistance or advice from a doctor; and that in his opinion she has a need for a telephone.

On January 16, 1956, the telephone company filed an answer to the complaint, the principal allegation of which is that the telephone company, pursuant to this Commission's order contained in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), had reasonable cause to disconnect the telephone services and to refuse to install or reinstall telephone services for the complainants as it had information from law enforcement officers advising them that the complainants had used or would use said telephone services for bookmaking purposes.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on February 10, 1956, and the matter was submitted.

Complainant Victor Canhoto testified that on September 4, 1951, he owned a bar at 18616 $\frac{1}{2}$  Pioneer Boulevard and

a liquor store at 18616 Pioneer Boulevard, both in Artesia; that there was a telephone in the bar and an extension in the liquor store; that the telephone and extension were furnished by defendant; that the bar was managed by Frank Aguarr and the liquor store was managed by Mary Wagner; that there was a partition between the bar and the liquor store and each had a separate entrance from Pioneer Boulevard; that on September 4, 1951, complainants resided on Allondro Street in Norwalk; and that complainant Peggy Canhoto was in the hospital.

Victor Canhoto further testified that he was informed that on September 4, 1951, in the absence of either complainant, law enforcement officers arrested a Mr. Rulon Holman in the bar at 18616 $\frac{1}{2}$  Pioneer Boulevard; that the officers removed the telephone from 18616 $\frac{1}{2}$  Pioneer Boulevard and the extension from 18616 Pioneer Boulevard; that he at no time gave Mr. Rulon Holman or any other person permission to use the telephone or the extension for bookmaking purposes; that he needs a telephone at the bar at 18616 $\frac{1}{2}$  Pioneer Boulevard; and that there has been no telephone at either the bar or the liquor store since September 4, 1951.

The complainant further testified that he has acquired a grocery store at 18614 Pioneer Boulevard, Artesia; that complainants reside at 12203 - 185th Place, Artesia; that he has requested that the defendant install telephone services at his home and said place of business but the defendant has refused to do so for the claimed reason that it has been advised not to do so by the Sheriff of Los Angeles County.

The manager of the Downey office of the defendant testified that shortly after September 4, 1951, the defendant was advised by an officer in the Office of the Sheriff of Los Angeles County that the Sheriff's deputies had confiscated the telephone at 18616<sup>1</sup>/<sub>2</sub> Pioneer Boulevard, Artesia, and the extension at 18616 Pioneer Boulevard, and that the Sheriff's Office requested that the defendant disconnect service to those locations;<sup>1/</sup> that the service was in the name of Victor Canhoto doing business as Vic's Cafe; that defendant disconnected the service on receipt of the letter from the Sheriff's Office and advised Rulon Holman thereof;<sup>2/</sup> that on September 24, 1951, complainant Victor Canhoto requested that his telephone service be reinstalled; that on January 27, 1953, at the request of the complainant Victor Canhoto the defendant asked the Sheriff's Office if the service could be reinstalled and was advised by the Sheriff's Office not to re-install the service; and that on April 29, 1954, Victor Canhoto personally requested the defendant to install telephone service at 18614 Pioneer Boulevard, Artesia, and that on the advice of the Sheriff's Office this service was refused. The witness further testified that on or about January 29, 1955, complainants changed their home address from 11056 East Allondro, Norwalk, to 18413 South Corby Avenue, Artesia; that defendant installed a telephone at the latter address on that date; that defendant advised the Sheriff's Office that it had installed such telephone; that the Sheriff's Office advised the defendant that it "is still on record as protesting any continuing service for Mr. Canhoto";<sup>3/</sup> and that

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<sup>1/</sup> Page 1 of Exhibit A on the Answer to the Complaint.

<sup>2/</sup> Exhibit B on the Answer to the Complaint.

<sup>3/</sup> Exhibit C on the Answer to the Complaint.

as a result the telephone service at 18413 South Corby Avenue, Artesia, was disconnected on or about October 25, 1955.

The complainant Victor Canhoto testified that on or about Christmas, 1955, complainants moved to 12203 - 185th Place, Artesia. The defendant's manager testified that the defendant will not install a telephone service at this address without the consent of the Sheriff.

The position of the defendant was that as a result of the receipt by the defendant of the letter from the Office of the Sheriff of Los Angeles County (Exhibit A on the Answer to the Complaint) and the subsequent correspondence with the Sheriff's Office, it acted with reasonable cause as that term is defined in Decision No. 41415, referred to supra, in disconnecting the above referred to services and refusing to connect or reconnect said services.

A sergeant in the Office of the Sheriff of Los Angeles County testified that Page 2 of Exhibit A on the Answer to the Complaint is a true copy of the report of the officers relative to the arrest of Rulon Holman at 18616 $\frac{1}{2}$  Pioneer Boulevard in Artesia on September 4, 1951; and that subsequently as a result of this arrest Rulon Holman was convicted of the crime of book-making, a felony. This arrest report shows that the complainants were not present and that Rulon Holman stated he had been using complainants' telephone on the day of the arrest only.

In light of the record herein, we find that the telephone company has exercised due care in taking the action it has to date and we further find that such action was based upon

reasonable cause as that term is used in Decision No. 41415, referred to supra. However, as there is no evidence whatsoever that the complainants or either of them knew that any telephone services they were furnished by defendant were ever used for any illegal purposes we find that the complainants are entitled to telephone service at the bar, the grocery store and their home. Inasmuch as the complainants have been deprived of telephone services for an extended period of time in their bar, store and home, the defendant will be required to install such services forthwith, and the effective date of this order will be shortened to five days from the date hereof.

O R D E R

The complaint of Victor Canhoto and Peggy Canhoto against the General Telephone Company 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 of record and the findings herein,

IT IS ORDERED that the General Telephone Company be, and it hereby is, directed to forthwith install telephone service to complainants at, respectively, 12203 - 185th Place, Artesia, California; 18614 Pioneer Boulevard, Artesia, California, and

18616 1/2 Pioneer Boulevard, Artesia, California, pursuant to defendant's filed tariff rates and rules applicable thereto.

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

Dated at San Francisco, California,  
this 6<sup>th</sup> day of March, 1956.

[Signature]  
President

Justus J. Craemer

Roy L. Lintner

Michael J. Holm

P. Hardy  
Commissioners