

ORIGINAL

Decision No. 53303

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWIN J. CUNEO

Complainant

vs

THE
PACIFIC TELEPHONE & TELE-
GRAPH COMPANY, a corpora-
tion

Defendant

Case No. 5751

Moss & Sherman, by Leo I. Sherman, for complainant.

Pillsbury, Madison & Sutro, and Lawler, Felix &
Hall, by L. B. Conant, for defendant.

O P I N I O N

The complaint herein, filed on March 29, 1956, alleges that complainant Edwin J. Cuneo resides at 812 West 110th Street, Los Angeles, California; that on or about April 13, 1955, the police arrested Helen Weisland and Clea Bigiloro at said address for alleged bookmaking activities; that thereafter the defendant caused the telephone accommodations at that address, PL. 4-4566, to be cancelled and discontinued; that the complaint against the two named persons was dismissed; that thereafter the complainant demanded of the defendant that it install telephone service but the defendant has refused to do so; and that complainant has at no time been charged with the commission of any crime nor was

there any charge that he had any knowledge of any crime being committed.

On April 13, 1956, the telephone company filed an answer the principal allegation of which was that on or about April 18, 1955, it had reasonable cause to believe that the telephone service furnished to complainant under number PLYmouth 4-4566 at 810 West 110th Street was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on May 22, 1956, and the matter was submitted.

The complainant testified that prior to April 13, 1955, he had a telephone, number PLeasant 4-4566, in his home; that on April 13, 1955, his housekeeper, Cleeta Bigiloro, and his sister, Helen Weisland, were on the premises and complainant was out of town; that the two women were arrested for alleged bookmaking; that the telephone was removed from the premises; that the charges against the women were dismissed; that he needs the telephone in his business; and that he has not had a telephone since it was removed.

Exhibit No. 1 is a letter from the Chief of Police of the City of Los Angeles to the telephone company requesting that the telephone facilities be disconnected. A telephone company employee testified that the letter was received by the telephone company on April 18, 1955, and that a central office disconnection was effected pursuant to that request. The position of the telephone company was that it had acted with reasonable cause in dis-

connecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After consideration of the record we find that the action of the telephone company was based upon reasonable cause, as that term is used in Decision No. 41415, referred to supra. We further find that there is no evidence to indicate that the complainant herein engaged in or was directly connected with illegal activities. Therefore, the complainant is now entitled to a restoration of telephone service.

O R D E R

The complaint of Edwin J. Cuneo against The Pacific Telephone and Telegraph Company, a corporation, having been filed, 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 complainant's request for restoration of telephone service be granted and that, upon the filing by the complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's residence at 610 West 110th Street, 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 26th day of June, 1956.

W. E. ...
President

Justin F. ...

Paul ...

...

Commissioners.

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.