

Decision No. 54846**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN BEROLDO and ETHEL BEROLDO,
Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

Case No. 5908

John A. Sutro, Pillsbury, Madison & Sutro,
and Dudley A. Zinke, for defendant.
John and Ethel Beroldo, for themselves.O P I N I O N

This complaint filed February 27, 1957, by John Beroldo and Ethel Beroldo who reside at 1515 Alemany Boulevard, San Francisco, California alleges that on and prior to January 22, 1957, they were subscribers and users of telephone service furnished by defendant under the number Juniper 5-8494 at the above address; that on January 22, 1957, said telephone facilities furnished by defendant were removed by the San Francisco Police Department; that said telephone is very much needed by complainants; that demand has been made on defendant to restore service but defendant has refused to reinstall said service; and that complainants have suffered great hardship and injury to reputation as a result of being deprived of said telephone.

On March 7, 1957, defendant filed its answer, the principal allegation of which is that it had reasonable cause to believe that the telephone service in question was being used or would be used for a purpose prohibited by law and consequently it had refused to restore service. The answer alleged that the telephone had been maintained in the name of John Beroldo only.

Public hearing was held in San Francisco before Examiner Rowe on March 27, 1957, at which time evidence was adduced and the matter submitted.

According to her admission, Mrs. Beroldo had on occasions placed bets on horse races on behalf of herself and another lady, each furnishing \$1 to make up the \$2 bet. However, there was no evidence that either Mr. or Mrs. Beroldo had ever made book or carried on any business as a bookmaker in violation of Section 337a of the Penal Code, or had used the telephone at their address for the purpose of disseminating information which was being used in connection with bookmaking.

Two police officers, one telephone company employee and Mrs. Beroldo testified at the hearing. It was developed that the telephone had stood in the name of John Beroldo only. No arrests were made as a result of the investigation of the police department.

Exhibit No. 1 is a letter from Francis J. Ahern, Chief of Police of the City and County of San Francisco, received by defendant January 23, 1957, requesting that said telephone service be disconnected. According to the testimony of the telephone company witness, service had not been reinstated because of this letter from the Police Chief.

In the light of this record we find that the action of defendant was based upon reasonable cause as such term is used in Decision No. 41515, dated April 6, 1948, in Case No. 4930. We further find that there is no evidence to indicate that the complainants should be deprived of their telephone facilities or that if said facilities are restored they will use them for illegal purposes in the future. Therefore, the complainants are entitled to a restoration of telephone service.

ORDER

The above-numbered complaint having been filed, public hearing having been held, 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 complainants' request for restoration of telephone service be granted and that The Pacific Telephone and Telegraph Company shall install telephone service at complainants residence under telephone number Juniper 5-8494 at 1515 Alemany Boulevard, San Francisco, 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 decision shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of April, 1957.

[Signature]
 President

[Signature]
 [Title]

[Signature]
 [Title]

[Signature]
 [Title]

[Signature]
 Commissioners