

**ORIGINAL**

Decision No. 55304

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RALPH GUIDO,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 5943

Ralph Guido, in propria persona.  
Lawlor, Felix and Hall, by John M. Sink,  
for defendant.

O P I N I O N

The complaint herein, filed on May 14, 1957, alleges that Ralph Guido, of 4843 Elizabeth Street, Bell, California, prior to January 16, 1957, was a subscriber and user of telephone service furnished by defendant company under number LUdlow 1-6036 at said address; that on or about January 16, 1957, the telephone facilities of the complainant were disconnected by the defendant pursuant to a letter from the Los Angeles Sheriff's Department, which department caused complainant to be arrested on or about said date on a charge of suspicion of bookmaking at said address; that said charge has been dropped and the defendant was dismissed at the time of the preliminary hearing on the insufficiency of the evidence; that complainant has demanded of the defendant that the telephone services be restored but defendant refuses to do so; that complainant has suffered and will suffer irreparable injury to his

reputation and great hardship as a result of being deprived of said telephone facilities; and that complainant did not use and does not now intend to use said telephone facilities as an instrumentality to violate the law nor in aiding or abetting such violation.

On May 28, 1957, by Decision No. 55035, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing in the matter.

On June 10, 1957, the telephone company filed an answer the principal allegation of which was that on or about January 21, 1957, it had reasonable cause to believe that the telephone service furnished to complainant under number LUdlow 1-6036 at 4843 Elizabeth Street, Bell, California, 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 and that, having such reasonable cause, the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on June 25, 1957, and the matter was submitted.

The complainant testified that he resides with his wife and children at 4843 Elizabeth Street, Bell; that he works from 7 a.m. to 3:30 p.m.; that on January 16, 1957, he returned home at about 3:45 p.m.; that four or five deputy sheriffs were there with his wife; that she had been arrested for bookmaking and he was arrested and the telephone removed; that subsequently his wife was convicted of bookmaking and paid a fine; that he was released; that he has never used the telephone for illegal purposes and never permitted it

to be so used; that he will see to it that his wife does not use the telephone for illegal purposes; and that he needs a telephone.

Exhibit No. 1 is a copy of a letter from the office of the Sheriff of Los Angeles County advising the defendant that complainant's telephone was, on January 16, 1957, being used for bookmaking purposes, advising that the telephone had been confiscated, and requesting that the said telephone services be disconnected. A telephone company employee testified that this letter was received by the defendant on January 21, 1957, and that a central office disconnection was effected shortly thereafter pursuant to that request. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41115, referred to supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41115, referred to supra. We further find that there is no evidence that complainant was engaged in, or directly connected with, or permitted the telephone facilities to be used for illegal purposes. Therefore, the complainant is now entitled to restoration of telephone service. If complainant's wife used the telephone for illegal purposes, she has paid her penalty.

O R D E R

The complaint of Ralph Guido against The Pacific Telephone and Telegraph 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 order of the Commission in Decision No. 55035, dated May 28, 1957, temporarily restoring telephone service to complainant be made permanent, such restoration 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 22<sup>nd</sup> day of July, 1957.

	President
<u>[Signature]</u>	
<u>[Signature]</u>	
<u>[Signature]</u>	
<u>[Signature]</u>	Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.