

**ORIGINAL**

Decision No. 60244

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN TASOS, JR., & JOYCE HELEN TASOS, )  
Complainants,

vs.

Case No. 6425

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Joyce Tasos, for complainants.  
Lawier, Felix & Hall, by A. J. Krappman, Jr., for  
defendant.

O P I N I O N

By the complaint herein, filed on March 1, 1960, John Tasos, Jr., and Joyce Helen Tasos, his wife, seek an order requiring restoration of telephone service by the Pacific Telephone and Telegraph Company at the complainants' home, 1315 West "R" Street, Wilmington, California.

The defendant filed an answer on March 17, 1960, alleging that it had reasonable and probable cause for discontinuing telephone service furnished to John Tasos, Jr., at 1315 West "R" Street, Wilmington, California.

A public hearing on the complaint was held in Wilmington before Examiner Kent C. Rogers on April 8, 1960. The defendant failed to appear at the hearing. Evidence was presented on behalf of the complainants and the matter was submitted. Thereafter, on

April 18, 1960, defendant filed a petition to set aside submission and reopen for further hearing. Said petition was based on the ground that the defendant had received no notice of hearing. Thereafter, on April 19, 1960, the Commission made its order reopening the matter for further hearing. On May 5, 1960, a further hearing was held before Examiner Kent C. Rogers in Wilmington, at which time evidence was presented by the defendant and the matter was submitted. It is ready for decision.

The complainant, Joyce Helen Tasos, testified that she is the wife of John Tasos, Jr.; that John Tasos, Jr., was a subscriber to the telephone service furnished by the defendant at 1315 West "R" Street, Wilmington, California; that on or about August 6, 1959, the telephone was removed by police officers; that the telephone was never used for any illegal purposes; and that she and her husband need the telephone and desire that it be reinstalled.

There was no appearance for any law enforcement agency.

Exhibit No. 1 is a copy of a letter from the Commander of the Administrative Vice Division of the Los Angeles Police Department to the defendant advising the defendant that the complainant's telephone service was, on August 6, 1959, being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking; that the complainant's telephone service had been removed; and requesting that the defendant disconnect the telephone service. The evidence shows that this letter was received by the defendant on August 11, 1959; that pursuant thereto, a central office disconnection was effected on August 18, 1959; and that the

telephone service has not been reconnected. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1. Such contention we find to be true.

After full consideration of this record we find that the evidence fails to show that the telephone service furnished to the complainant, John Tasos, Jr., was used for illegal purposes, and that the complainant John Tasos, Jr., is therefore entitled to telephone service. The service will be ordered reinstated within five days inasmuch as the complainants have been without telephone service since on or about August 11, 1959.

#### O R D E R

The complaint of John Tasos, Jr., and Joyce Helen Tasos against The Pacific Telephone and Telegraph Company, a corporation, having been filed, public hearings having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

IT IS ORDERED that the complainants' request for telephone service is granted, and that within five days from the filing by complainants, or either of them, of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainants' home at 1315 West "R" Street, Wilmington, 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 five days after the date hereof.

Dated at San Francisco, California, this 6th day of June, 1960.

Ernest P. Rogers  
President

W. E. Mitchell

Theodore Jensen

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Commissioners

Matthew J. Dooley

Commissioner C. Lyn Fox being necessarily absent, did not participate in the disposition of this proceeding.