

Decision No. 61487

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PETER A. GASPARRELLI,

Complainant,

vs.

Case No. 6988

GENERAL TELEPHONE COMPANY
OF CALIFORNIA, a corporation,

Defendant.

Joseph T. Forno, for complainant.
Albert M. Hart and Donald J. Duckett, by
Donald J. Duckett, for defendant.

O P I N I O N

By the complaint herein, filed on October 6, 1960, Peter A. Gasparrelli requests an order of this Commission that the defendant, General Telephone Company of California, a corporation, be required to reinstall telephone service at his home at 14541 Rockenbach, Baldwin Park, California.

On November 15, 1960, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C.853), on or about April 29, 1960, had reasonable cause to believe that the telephone service furnished to Peter A. Gasparrelli under number EDgewood 7-5063 at 14541 Rockenbach, Baldwin Park, 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, supra.

By Decision No. 60961, dated October 25, 1960, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

A public hearing was held in Los Angeles on December 12, 1960, before Examiner Robert D. DeWolf.

There was no appearance for any law enforcement agency.

Peter A. Gasparrelli testified that he is the complainant in the above matter and the subscriber to telephone service furnished by defendant; that he and his wife, Annette Gloria Gasparrelli, reside at said address; that on or about April 29, 1960, complainant's wife was arrested for suspicion of bookmaking and the telephone was removed and disconnected by defendant; and that subsequently complainant's wife was found not guilty of said charge.

Attorneys for complainant stipulated that the letter from the Sheriff of Los Angeles County, Exhibit A attached to defendant's answer, which requested removal of complainant's telephone because of alleged unlawful use, was received by defendant. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit A.

After full consideration of this record we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra, and we further find that the evidence fails to show that the complainant's telephone was used for any illegal purpose, and that therefore the complainant is entitled to restoration of telephone service.

O R D E R

The complaint of Peter A. Gasparrelli against General Telephone Company of California, a corporation, 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 herein,

IT IS ORDERED that the order of the Commission in Decision No. 60961, dated October 25, 1960, in Case No. 6988, temporarily restoring telephone service to the 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 14th day of February, 1961

Ernest A. Bays
President
W. E. Mitchell
E. Lynn Fox
George G. Brown
Fredrick B. Holoboff
Commissioners