

Decision No. 61919

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANDY LAFUENTE doing business as  
Andy's Pool Hall,

Complainant,

vs.

Case No. 7055

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Paul K. Duffy, for the complainant.  
Lawler, Felix & Hall, by David A. Workman,  
for the defendant.  
Gordon W. Treharne, for County of Los Angeles,  
intervener.

O P I N I O N

By the complaint herein, filed on January 26, 1961, Andy Lafuente requests an order of this Commission that The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at his business at 4537 Whittier Boulevard, County of Los Angeles, California.

On February 17, 1961, 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 December 13, 1960, had reasonable cause to believe that the telephone service furnished to Andy Lafuente under number ANgeles 3-9595 at 4537 Whittier

Boulevard, County of Los Angeles, 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.

By Decision No. 61436, dated February 7, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the matter.

A public hearing was held in Los Angeles on March 17, 1961, before Examiner Robert DeWolf.

There was no testimony by any law enforcement agency. The County Counsel appeared on behalf of the Sheriff of Los Angeles County. The complaint alleges that the telephone in question has not been and will not be used in the future intentionally for any illegal purpose. The parties herein stipulated that the allegations of the complaint are substantially true and correct, and that the letter from the Sheriff of Los Angeles County, Exhibit No. 1, dated December 20, 1960, to defendant requesting 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, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

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, 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 Andy Lafuente against The Pacific Telephone and Telegraph Company, 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. 61436, dated February 7, 1961, in Case No. 7055, 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 1st day of May, 1961.

  
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 President

  
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 Commissioner

  
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 Commissioner

  
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 Commissioner