

ORIGINAL

Decision No. 6157

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES J. SALTER,

Complainant,

vs.

Case No. 7062

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,

Defendant.

Joseph T. Forno, for the complainant.
Donald J. Duckett, for the defendant.

O P I N I O N

By the complaint herein, filed on February 14, 1961, James J. Salter requests an order of this Commission that the defendant, General Telephone Company of California, a corporation, be required to reinstall telephone service at his residence under number FRontier 4-3877, located at 1437 - 19th Street, Manhattan Beach, California.

By Decision No. 61579, dated February 28, 1961, in Case No. 7062, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the matter.

On March 16, 1961, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415 (47 Cal. P.U.C. 853), on or about January 13, 1961, acted with reasonable cause in discontinuing the telephone service furnished to James J. Salter under number FRontier 4-3877, located at 1437 - 19th Street, Manhattan Beach, California, which allegedly was being used as an instrumentality to

violate or to aid and abet the violation of the law. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on April 14, 1961, before Examiner Robert D. DeWolf.

Complainant testified that all charges filed against his wife were dismissed for insufficiency of evidence and that neither complainant nor his wife have used, nor intend to use, said telephone facilities as instrumentalities to violate the law. Complainant further testified that he has great need for said telephone facilities in connection with his work as a roofing subcontractor.

There was no appearance for any law enforcement agency.

A stipulation was made between defendant and complainant that a letter dated January 13, 1961, was received by defendant from the Office of the Sheriff of Los Angeles County as alleged in defendant's answer and Exhibit A attached thereto; and that pursuant thereto said telephone was disconnected.

After full consideration of this record the Commission finds and concludes 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 James J. Salter 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. 61579, dated February 28, 1961, in Case No. 7062,

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 five days after the date hereof.

Dated at San Francisco, California, this 9th day of MAY, 1961.

Conrad A. Pearson
President
E. J. McLaughlin
E. J. McLaughlin
George J. Brown
Frederick C. Holbrook
Commissioners