

ORIGINAL

Decision No. 61993

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH C. HARTGRAVES,
Complainant,

vs.

Case No. 7048

CALIFORNIA WATER & TELEPHONE
COMPANY, a corporation,
Defendant.

Joseph T. Forno for complainant.
Bacigalupi, Elkus & Salinger, by James T. Naylor, for defendant.

O P I N I O N

By this complaint, filed on January 18, 1961, Joseph C. Hartgraves requests an order of this Commission that the defendant, California Water & Telephone Company, a corporation, be required to reinstall telephone service at his residence under number Elliott 8-9422 located at 1303 Fairlee Avenue, Duarte, California.

By Decision No. 61435, dated February 7, 1961, in Case No. 7048, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the matter.

On March 3, 1961, the telephone company filed an answer, the principal allegation of which was that on or about January 6, 1961, defendant received advice by telephone from the Los Angeles County Sheriff's Office that the telephone instrument had been

physically removed by the said Sheriff's Office from the premises of complainant on January 4, 1961, and was being held as evidence. In compliance with Decision No. 61435, dated February 7, 1961, in Case No. 7048, defendant did on February 16, 1961, re-establish and restore telephone service to complainant, and did assign thereto the telephone number ELliott 7-2691. 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 he did not use and does not intend to use said telephone facilities as instrumentalities to violate the law. Complainant is under medical care and needs a telephone to contact his physician for treatment of arthritis and psoriasis.

There was no appearance for any law enforcement agency.

A stipulation was made between defendant and complainant that defendant was notified by the office of the Sheriff of Los Angeles County of the physical removal of the telephone from the premises, as alleged in defendant's answer; that pursuant thereto said telephone was disconnected.

After full consideration of this record the Commission finds and concludes that the telephone company's action on January 6, 1961, in refusing to reinstall telephone service without authorization from the Public Utilities Commission 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.

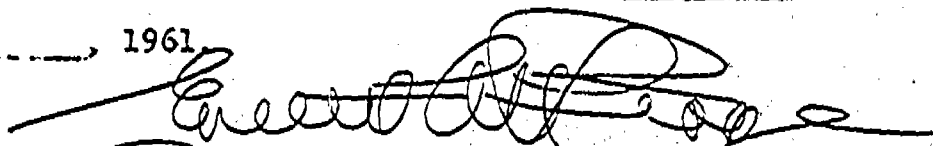
ORDER

The complaint of Joseph C. Hartgraves against California Water & Telephone 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. 61435, dated February 7, 1961, in Case No. 7048, 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 16th day of MAY, 1961



President







Commissioners