

ORIGINAL

62023

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL CASMASS and LOLA M. CASMASS,  
Complainants,  
vs.  
THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,  
Defendant.

Case No. 7069

Whelan & Miller, by Ray Miller, for the  
complainants.  
Gray, Cary, Ames & Frye, by Rudi M. Brewster,  
for the defendant.

O P I N I O N

By the complaint herein, filed on February 23, 1961, Paul Casmass and Lola M. Casmass request an order of this Commission requiring the defendant, The Pacific Telephone and Telegraph Company, a corporation, to reinstall telephone service in the home of Lola M. Casmass at 4537 Hawley Boulevard, in the City of San Diego, California.

On March 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. 253), on or about July 27, 1960, acted with reasonable cause in discontinuing the telephone service furnished to Lola M. Casmass under number ATwater 3-3439 at 4537 Hawley Boulevard, San Diego, California.

A public hearing was held in San Diego on May 4, 1961, before Examiner Robert D. DeWolf.

Complainant Lola M. Casmass testified that both parties were acquitted of the charges of bookmaking, and neither party has used, or intends to use, said telephone facilities as instrumentalities to violate the law. Complainant also testified that she has great need for said telephone facilities on account of her physical condition, and need for medical services for complainant's mother.

There was no appearance for any law enforcement agency.

Complainants stipulated with the defendant that a letter, dated July 25, 1960, Exhibit No. 2 in evidence, was received by the defendant from the Police Department of the City of San Diego as alleged 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 complainants' telephone was used for any illegal purpose, and that therefore the complainants are entitled to restoration of telephone service.

#### O R D E R

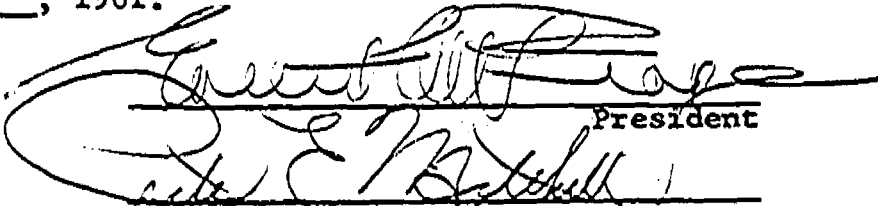
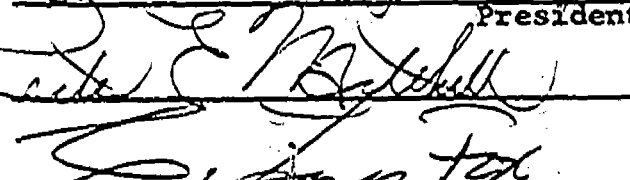
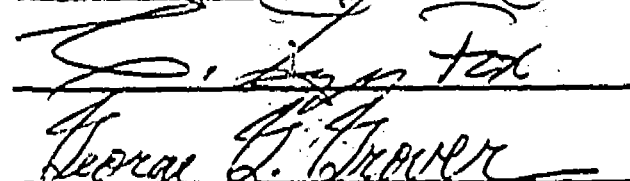

The complaint of Paul Casmass and Lola M. Casmass against Pacific Telephone and Telegraph Company, a corporation,

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 complainants' request for telephone service is granted and that upon the filing by the complainants, or either of them, of an application with the defendant for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complaints' place of residence at 4537 Hawley Boulevard, San Diego, 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 22nd day of MAY, 1961.

  
President  
  
  
George L. Crocker  
  
Commissioners