

ORIGINAL

Decision No. 62627

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWARD JULES CASTINE,

Complainant,

vs.

Case No. 7157

GENERAL TELEPHONE COMPANY,
a corporation,

Defendant.

Kroneberger & Goetz, by Walter L. Kroneberger, Jr.,
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, filed on July 19, 1961, Edward Jules Castine requests an order of this Commission that the defendant, General Telephone Company, a corporation, be required to reinstall telephone service at his residence at 708 South Broadway, Redondo Beach, California.

On August 2, 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 January 10, 1961, had reasonable cause to believe that the telephone service furnished to Edward Jules Castine under number FRontier 2-3832, located at 708 South Broadway, Redondo Beach, California, was being or was to be used as an instrumentality directly or indirectly to violate or

to aid and abet 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. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on September 8, 1961, before Examiner Robert D. DeWolf.

Complainant testified that he is in urgent need of a telephone for the health, welfare, and safety of himself, his wife, and three children. That he has never used and will not in the future use said telephone for any illegal purposes.

There was no appearance for any law enforcement agency.

A stipulation was made between defendant and complainant that a letter dated January 10, 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; 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, 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 Edward Jules Castine 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 complainant's request for telephone service is granted and that, upon the filing by the complainant of an application for telephone service, General Telephone Company of California shall reinstall telephone service at the complainant's residence at 708 South Broadway, Redondo Beach, 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 3rd day of October, 1961.

President

E. J. [Signature]

George G. Crover

Fredrick B. Holbrook

Commissioners

Everett C. McKeage

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.