

**ORIGINAL**

Decision No. 63255

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROSELLA J. MUNZ,  
Complainant,

vs.

Case No. 7208

PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,  
a corporation,

Defendant.

Julius Weled, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

O P I N I O N

By the complaint herein, filed October 16, 1961, Rosella J. Munz requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at her home at 5144 North Camellia Avenue, Temple City, California.

By Decision No. 62716, dated October 24, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On November 6, 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 July 14, 1961, had reasonable cause to believe that the telephone service furnished to Rosella J. Munz under number Atlantic 6-1983 at 5144 North Camellia Avenue,

Temple City, 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.

A public hearing was held in Los Angeles on December 8, 1961, before Examiner Robert D. De Wolf, and the matter was submitted on the same date.

The complainant alleges in her complaint that her sister was arrested and convicted of unlawful use of her telephone, and that her sister has returned to Minnesota. The complainant also alleges that she did not use the phone for any unlawful purpose and has been greatly inconvenienced by having said telephone disconnected for three and one-half months; and that she has great need for a telephone for the health of her family, including a handicapped son.

Attorneys for complainant and defendant stipulated that complainant, if called to testify, would testify to the truth of all the allegations contained in the complaint.

There was no appearance or evidence on behalf of any law enforcement agency.

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; that the complainant's telephone was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing; that complainant's telephone has now been disconnected three and one-half months; that there is urgent

need for a telephone by complainant; and that the complainant should have telephone service restored at her residence at 5144 North Camellia Avenue, Temple City, California.


O R D E R


The complaint of Rosella J. Munz 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,

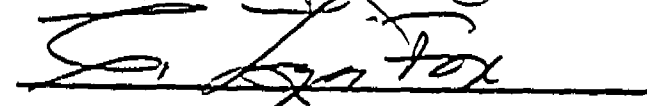
IT IS ORDERED that the order of the Commission in Decision No. 62716, dated October 24, 1961, in Case No. 7208, temporarily restoring telephone service to the complainant, be made permanent, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

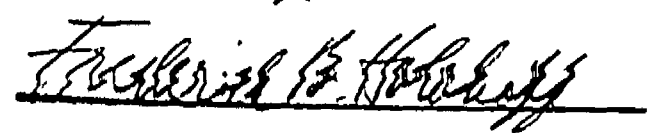
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of FEBRUARY, 1962.

  
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 President

  
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 Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.