

ORIGINAL

Decision No. 63257

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. PAT G. BAGUIAO,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a
 corporation,
 Defendant.

Case No. 7194

Joseph T. Forno, by Arthur Lewis, for complainant.
 Lawler, Felix & Hall, by A. J. Krappman, Jr., for
 defendant.
 Harold Kennedy, County Counsel, by Gordon W.
 Treharne, for Sheriff's Department of Los
 Angeles County, intervener.

O P I N I O N

By the complaint herein, filed September 28, 1961,
 Mrs. Pat G. Baguiao requests an order of this Commission that the
 defendant, The Pacific Telephone and Telegraph Company, a corpora-
 tion, be required to reinstall telephone service at her home at
 2249 Fernleaf Street, Los Angeles, California.

By Decision No. 62651, dated October 10, 1961, the Com-
 mission ordered that the defendant restore telephone service to the
 complainant pending hearing on the matter.

On October 20, 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 September 16, 1961, had reasonable cause to believe that the telephone service furnished to Mrs. P. G. Baguiao under number CAPITOL 2-7347 at 2249 Fernleaf Street, Los Angeles, 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. DeWolf, and submitted on the same date.

The complainant, Mrs. Pat G. Baguiao, testified that her telephone was removed on August 31, 1961; that her husband was arrested on a charge of bookmaking and that she does not know of her own knowledge what disposition was made of the charge; and that the telephone was reinstalled on October 16, 1961. Complainant testified that she does not use and will not use said telephone facilities for a violation of law, and that the family has a great need of a telephone to secure work.

Exhibit No. 1 is a letter dated August 31, 1961, from the Sheriff's office of the County of Los Angeles to the defendant, advising that the telephone furnished to P. G. Baguiao under number CA 27347 and one extension at 2249 Fernleaf Street, Los Angeles, California, was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. Pursuant thereto a central office disconnection was effected.

A deputy county counsel appeared on behalf of the Sheriff of Los Angeles County and cross-examined the complainant. There was no testimony by any law enforcement officer.

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 evidence fails to show that the complainant's telephone was used as an instrumentality to violate the law or for bookmaking purposes in connection with horse racing; and that the complainant is entitled to restoration of telephone service at her residence at 2249 Fernleaf Street, Los Angeles, California.

O R D E R

The complaint of Mrs. Pat G. Baguias 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. 62651, dated October 10, 1961, 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 13th day of FEBRUARY, 1962.

Charles W. Long
 President

J. E. Mitchell

C. L. Fox

Fredrick B. Holdoff

 Commissioners

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