

ORIGINAL

Decision No. 63367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRY F. VASQUEZ,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7244

Henry F. Vasquez, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
defendant.

O P I N I O N

By the complaint herein, filed December 6, 1961, Henry F. Vasquez requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 309 North Spruce Street, Montebello, California.

By Decision No. 62942, dated December 19, 1961, in Case No. 7244, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On January 2, 1962, 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 29, 1961,

had reasonable cause to believe that the telephone service furnished to Henry F. Vasques under number PA. 2-1754 at 309 North Spruce Street, Montebello, 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 January 31, 1962, before Examiner Robert D. De Wolf, and the matter was submitted on the same date.

Exhibit No. 1 is a letter dated September 27, 1961, from the Office of the Sheriff of Los Angeles County, to the defendant advising the defendant that the telephone furnished to Henry Vasques under number PA 21754 was being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415 in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

Complainant testified that he has four children and three of them are in school and that he has great need for a telephone to secure medical care and necessities for his family. He was without telephone service for almost three months. Complainant further testified that he has not used the telephone for any unlawful purpose and will not do so in the future.

There was no appearance made or evidence offered by any law enforcement agency.

After full consideration of this record, we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415; 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.

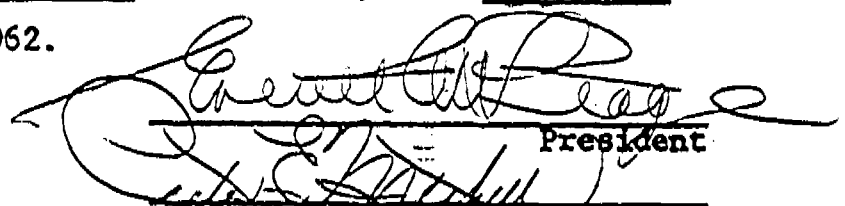
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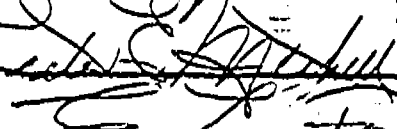
The complaint of Henry F. Vasques against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,


IT IS ORDERED that the order of the Commission in Decision No. 62942, dated December 19, 1961, in Case No. 7244, 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.

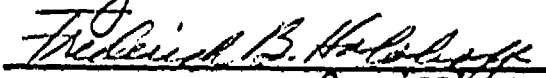
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of MARCH, 1962.



President






Commissioners