

ORIGINAL

Decision No. 63713

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANN CERRATO,

Complainant,

vs.

Case No. 7268

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a Corporation,

Defendant.

Taylor, Sherman & Heller, by Susan L. Schreiner,
for complainant.

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

Harold W. Kennedy, County Counsel, by Paul G. Seehusen, for Sheriff's Department of the
County of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed January 18, 1962, Ann Cerrato requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 1003 East Newmark Avenue, Monterey Park, California.

By Decision No. 63174, dated January 26, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further order.

On February 7, 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 November 6, 1961, had reasonable cause to believe that the telephone service furnished to Michael Cerrato under number ATLantic 0-3956 at 1003 East Newmark Avenue, Monterey Park, 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 March 23, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that her husband was arrested for bookmaking, that he was found guilty and has paid a fine. He has now returned to work as a timekeeper. Complainant is a waitress and has need for a telephone to contact her employer and, for her health and welfare, to call a doctor if needed.

Exhibit No. 1 is a letter dated March 21, 1962, from the employer of complainant's husband, stating that he returned to work on January 18, 1962.

Exhibit No. 2 is a letter dated March 22, 1962, from complainant's doctor, stating that a telephone is needed for the health and welfare of complainant's family.

Exhibit No. 3 is a copy of a letter dated November 2, 1961, from the Office of the Sheriff of the County of Los Angeles to the defendant, advising that the telephone and one extension furnished to Michael Cerrato under number AT 0-3956 at 1003 E. Newmark Ave., Monterey Park, 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.

There was no testimony by any law enforcement officer. A deputy county counsel appeared and intervened for the Sheriff's Office and cross-examined the complainant.

The attorneys for the parties stipulated to amendment of the complaint and the prayer to show that the complainant was not the subscriber to telephone service and for installation of new service instead of restoration of service.

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 that the telephone at complainant's residence was used as an instrumentality to violate the law in that it was used for book-making purposes in connection with horse racing. Such telephone has ✓ been disconnected more than 60 days. Defendant will be ordered to install telephone service as set forth in the following order.

O R D E R

The complaint of Ann Cerrato 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. 63174, dated January 26, 1962, in Case No. 7268, temporarily restoring telephone service to the complainant, be amended to provide for installation of telephone service to Ann Cerrato and, as amended, is made permanent, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 22nd day of MAY, 1962.

C. W. Page
 President

W. J. Mitchell

E. J. Fox

George E. Hoover

Fredrick B. Hollings
 Commissioners