

ORIGINAL

Decision No. 65869

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VINCENT L. CASTILLO,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,
Defendant.

Case No. 7629

Vincent L. Castillo, in propria persona.
Lawler, Felix & Hall, by John M. Maller,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1052 South 5th Street, Montebello, California. Interim restoration was ordered pending further order (Decision No. 65456).

Defendant's answer alleges that on or about May 7, 1963, it had reasonable cause to believe that service to Vincent L. Castillo under number PA 8-1817 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on July 2, 1963.

By letter of May 6, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 728-1817 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that he has a wife and two small children, one of whom suffers from asthma and is often in need of urgent medical attention when suffering an attack, and requires telephone service at all times.

Complainant further testified that he has not used the telephone for bookmaking and that he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose.

Complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 65456, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and 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 August, 1963.

William B. Brown
President
George G. Grover
Frederick B. Hallock
Commissioners

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