

**ORIGINAL**

Decision No. 68793

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOE SARAGUSA aka  
JOSEPH SARAGUSA,

Complainant,

vs.

Case No. 8034

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,  
a corporation,

Defendant.

Dan O'Neill, for complainant.  
Lawler, Felix & Hall, by A. J.  
Krappman, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1620 Edgewood Drive, Alhambra, California. Interim restoration was ordered pending further order (Decision No. 68073, dated October 20, 1964).

Defendant's answer alleges that on or about October 9, 1964, it had reasonable cause to believe that service to Joe Saragusa, under number 282-0692 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 February 15, 1965.

By letter of October 6, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephone under number

282-0692 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 is suffering from a heart condition, has had two coronary attacks and is under the care of his doctor for this condition; his family consists of a wife and four children, ages 12, 9, 5 and 3; telephone service is necessary for use of his family and for medical reasons; and 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. 68073, dated October 20, 1964, 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.

San Francisco  
Dated at \_\_\_\_\_, California, this 30<sup>th</sup>  
day of March, 1965.

Fredrick B. Hallock  
President  
John S. Mitchell  
George H. Grover  
Augustus  
William A. Bennett  
Commissioners