

ORIGINAL

Decision No. 69988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANTONIO AGUILERA, aka  
ANTHONY AGUILERA,

Complainant,

vs.

Case No. 8240

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Anthony C. Aguilera, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo,  
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1633 Charlotte Street, San Gabriel, California. Interim restoration was ordered pending further order (Decision No. 69571, dated August 17, 1965).

Defendant's answer alleges that on or about June 14, 1965, it had reasonable cause to believe that service to Anthony Aguilera, under number 288-7160, 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 October 7, 1965.

By letter of June 10, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number AT 8-7160 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 needs telephone service to keep in touch with his work; that he has a family consisting of a wife and four children, one of whom is retarded and requires a great deal of medical attention; and that communication by telephone with a doctor is a necessity.

Complainant further testified that he has great need for telephone service, 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.

ORDER

IT IS ORDERED that Decision No. 69571, dated August 17, 1965, 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 23<sup>rd</sup> day of NOVEMBER, 1965.

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*John E. ...* President  
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*George E. ...*  
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*August ...*  
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 Commissioners

*John ...*  
*William ...*

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.