

**ORIGINAL**

Decision No. 71844

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANN RODINO,

Complainant,

vs.

Case No. 8515

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY  
a corporation.

Defendant.

Don Rodino, in propria persona  
and for complainant.  
Lawler, Felix & Hall, by Richard L.  
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 512 So. Almansor Street, Alhambra, California. Interim restoration was ordered pending further order (Decision No. 71252, dated September 6, 1966).

Defendant's answer alleges that on or about July 20, 1966, it had reasonable cause to believe that service to Ann Rodino, under number 283-2216, 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.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 14, 1966.

By letter of July 18, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephones under numbers 284-8288 and 283-2216 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1):

Don Rodino testified that he is the husband of the complainant and he requests permission to join or be substituted as a party complainant; that he and his wife are both employed and have a teenage daughter in school; that telephone service is necessary for their employment and household uses; and they 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 service.

O R D E R

IT IS ORDERED that Don Rodino is substituted for Ann Rodino in the complaint and Decision No. 71252, dated September 6, 1966, temporarily restoring service to complainant, is amended

to show that it is for the installation of new service and, as such, that it 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 17<sup>th</sup> day of JANUARY, 1967.

*Arthur E. Mitchell*  
President

*Augustine*

*William H. Bennett*

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\_\_\_\_\_ Commissioners