

the telephone service furnished complainant at said address under numbers Douglas 2-8887 and Douglas 2-8888 was being used for an illegal purpose and to violate the law, and that having such reasonable cause, defendant was required to discontinue the service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (Cal. P.U.C. 853). Defendant further alleged that two extensions were connected with each of said telephone facilities furnished by defendant to complainant at some time prior to January 19, 1956 without authority from defendant in violation of law, as an abuse of the service furnished by defendant, and in violation of defendant's filed tariff rules and regulations.

A public hearing was held in San Francisco, on April 5, 1956, before Examiner Rowe, at which time evidence was adduced and the matter submitted.

Complainant testified that he had never used the telephone facilities for any illegal purposes and had no intention of doing so in the future should such services be restored. He admitted that on April 20, 1954 at the time the second telephone under number Douglas 2-8888 was installed, he had connected the four telephone extensions. This fact was also proved by the testimony of defendant's witness, who, however, was unable to state the exact time such extensions were connected.

Exhibit No. 10 is a copy of a letter from the Police Department of the City and County of San Francisco, dated January 20, 1956, requesting that the telephone service under numbers Douglas 2-8887 and Douglas 2-8888 be disconnected.

After a consideration of the record we now find that the telephone company's action was based upon reasonable cause as such term is used in Decision No. 41415, supra. We further

find that the telephone facilities here in question have not been shown to have been used to aid or abet the violation of the law except that the addition and use by complainant of two extensions to each of said telephone lines was in violation of defendant's filed tariffs, rules and regulations and constituted unlawful connections.

O R D E R

The complaint of Mark Anthony Petercupo against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter now being ready for decision, and the Commission being fully advised in the premises, and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that the order in Decision No. 52600 in the above-numbered case, dated February 7, 1956, temporarily restoring service to complainant, be made permanent upon the condition that complainant, within ten days after the effective date hereof, shall have paid to defendant the sum of \$12.00, the proper charge for installing four extensions on April 20, 1954, and the sum of \$80.00, the proper charge for the use of such extensions for 20 months.

IT IS FURTHER ORDERED that if said amount be not so paid, the order in said Decision No. 52600 is hereby set aside and vacated.

IT IS FURTHER ORDERED that upon the expiration of ten days after the effective date of this order the complainant herein may file an application for additional telephone lines and extensions and if such filing is made The Pacific Telephone and

Telegraph Company shall install the requested telephone service, such installations 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 24th day of April, 1956.

[Signature]
President
Justus D. Cassel
Ray L. Luterer
[Signature]
[Signature]
Commissioners