

Decision No. \_\_\_\_\_

61702

**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul R. Weaver,

Complainant,

vs.

The Pacific Telephone and  
Telegraph Company,

Defendant.

Case No. 7052

Paul R. Weaver, in propria persona.Pillsbury, Madison & Sutro, John A. Sutro, by  
Dudley A. Zinke, for The Pacific Telephone  
and Telegraph Company.O P I N I O N

A public hearing on the above matter was held before Examiner Thomas E. Daly on February 3, 1961, at San Francisco.

The record indicates the following: that complainant resides at 212 - 14th Street, San Francisco, California; that prior to July 17, 1958, complainant was a subscriber and user of telephone service under number HEmlock 1-6312; that on or about that time defendant discontinued complainant's telephone service pursuant to a letter from the Chief of Police of San Francisco, dated June 24, 1958, which stated that complainant was using said telephone facilities in violation of Section 337(a) of the Penal Code; that complainant has been seriously ill for the past several years; that for most of said time he has been a patient in a veterans' hospital; that prior to the discontinuance of telephone service by defendant herein and while complainant was either hospitalized or bedridden at home, an acquaintance, who had access to the premises for the purpose of feeding complainant's dog, used complainant's telephone without

complainant's knowledge, in connection with bookmaking.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415. We further find that although the evidence establishes that the telephone facilities in question were used for an unlawful purpose such use was without complainant's knowledge and consent and he is entitled to have telephone service reinstalled.

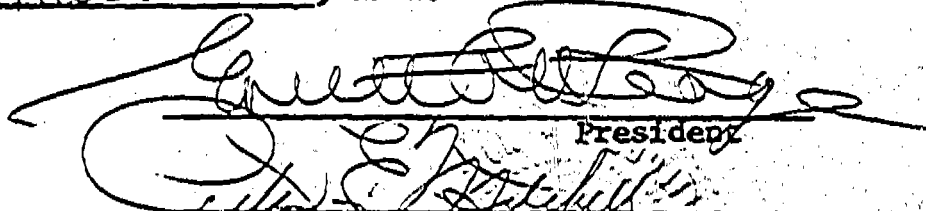

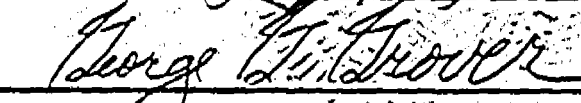
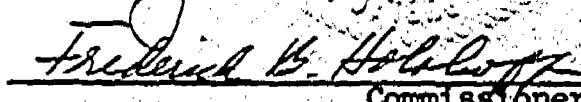
O R D E R

A complaint having been filed and the Commission being advised in the premises,

IT IS ORDERED that The Pacific Telephone and Telegraph Company shall install telephone service for complainant subject to all duly authorized rules and regulations of the telephone company and to existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this  
21<sup>st</sup> day of March, 1961.

  
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President  
  
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\_\_\_\_\_  
Commissioners