

Decision No. 62049**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAY STEWART,

Complainant,

vs.

Case No. 7089

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Ray Stewart, in propria persona.
Dudley A. Zinke, for The Pacific Telephone
 and Telegraph Company.
Robert Leen, for Oakland Police Department.

O P I N I O N

A public hearing on the above matter was held before Examiner Thomas E. Daly on May 5, 1961, at San Francisco.

The record indicates the following: that complainant is employed as a longshoreman and resides at 939 - 40th Street, Oakland, California; that prior to December 20, 1960, complainant was a subscriber and user of telephone service under number OLympic 2-7543; that on or about that time defendant discontinued complainant's telephone service pursuant to a letter from the Chief of Police of Berkeley; that on December 20, 1960, two Oakland police officers acting on information from the Berkeley Police Department and possessing a search warrant entered complainant's premises and found thereon betting paraphernalia consisting of slips of paper; that except for said slips of paper and the implication that may be drawn therefrom there was no evidence that the telephone was used for an unlawful purpose; and that complainant's wife has a heart condition, thereby requiring the use of the telephone facilities

which were restored on an interim basis by Decision No. 61804 dated April 11, 1961.

After consideration the Commission finds that there is not sufficient evidence upon which to base a finding that the telephone in question was used for an unlawful purpose. The Commission further finds that defendant herein acted upon reasonable cause in discontinuing complainant's telephone service.


O R D E R

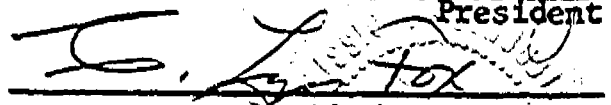
A complaint having been filed and the Commission being advised in the premises,

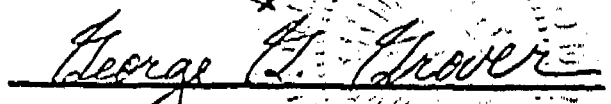
IT IS ORDERED that the Commission's order granting interim relief in Decision No. 61804 is hereby made permanent.

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

Dated at San Francisco, California, this 31st day of May, 1961.



President


George E. Grover


Frederick B. Halblom

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.