

ORIGINAL

Decision No. 62154

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Francis C. Cook,

Complainant,

vs.

Petrolia Telephone Company, a  
 corporation; William E. Johnston,  
 individually and doing business as  
 Petrolia Telephone Company,

Defendants.

Case No. 7057

Charles V. Moore, of Hill and Dalton, for  
 complainant.

Frederick L. Hilger, of Hilger and Thomas,  
 for the Petrolia Telephone Company, Inc.,  
 defendant.

J. P. Keegan, for the Commission staff.

O P I N I O N

By the complaint herein, filed on February 1, 1961, Francis C. Cook requests the restoration of telephone service at his ranch, located in Petrolia, California.

On March 17, 1961, the telephone company filed an answer which alleged that the telephone service furnished to the complainant was disconnected due to the unauthorized installation of an extension telephone by Mr. Cook. Also, that the complainant was delinquent in paying bills and that he has occasionally used profanity in speaking to the company operators.

A public hearing was held in Eureka, on May 9, 1961, before Examiner Edward G. Fraser. Oral and documentary evidence was received and the matter was submitted.

Mr. Cook testified that his extension was installed by a neighbor who formerly worked for a telephone company. The complainant owned the extra set, which was placed in the second story of his house. He did not obtain permission to install the extra line and instrument and failed to notify the telephone company of his expanded service.

A set of 21 checks with accompanying bills was introduced in evidence (as Exhibit No. 1) to show that all bills for service had been paid.

Mr. William Edward Johnston testified that the Petrolia Telephone Company is a corporation and that he is the president, with his wife as secretary-treasurer. The system now has about 100 telephones.

Mr. Johnston stated that he visited the Cook residence to replace the old telephone with a newer model. He noticed an extra wire in the terminal box and traced it to the unauthorized extension. As a result of this discovery the complainant's telephone service was disconnected on January 6, 1961, under the tariff provision of the defendant<sup>1/</sup> which authorizes the company to disconnect service where unauthorized devices have been installed.

After full consideration of this record, we now find that the telephone company's action was justified and based upon the requirements set out in its tariff. We further find that the complainant has made demand upon the defendant to restore the said telephone facilities but defendant has refused to do so; that complainant is a rancher and for him to be without telephone service is a serious personal and business inconvenience and that the

---

<sup>1/</sup> Petrolia Telephone Company Tariff Page 132-T, Rule No. 16, Paragraphs 2 and 4.

complainant's telephone service should be restored by the defendant. If an extension telephone is required by the complainant, the telephone company must complete the installation and make proper charges therefor as required by its tariff.

### O R D E R

The complaint of Francis C. Cook against the Petrolia Telephone Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

IT IS ORDERED that Petrolia Telephone Company is hereby directed to restore telephone service to the complainant, such restoration 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 22th day of June, 1961.

Charles H. Page  
President

George H. Hoover

Frederick B. Holshoff

\_\_\_\_\_  
Commissioners

Peter E. Mitchell

C. Lyn Fox

Commissioners \_\_\_\_\_, being necessarily absent, did not participate in the disposition of this proceeding.