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ORIGINAL

Decision No. 65288

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAURA MAE EAMES, Complainant, vs. THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, Defendant.	)	Case No. 7532 Filed January 15, 1963

Laura Mae Eames, in propria persona.
James F. Kirkham, for defendant.

O P I N I O N

By the complaint herein, Laura Mae Eames requests an order of this Commission that defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 662 Ash Street, Apartment 1, San Francisco, California.

In Decision No. 64830, dated January 22, 1963, the Commission ordered that the defendant install telephone service pending further Commission order.

On January 31, 1963, defendant filed its answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C.853), refused to install service when on or about November 21, 1962, complainant applied for a one-party residence telephone to be installed at 662 Ash Street, Apartment 1, San Francisco, because prior to the time when telephone service would be provided in the normal course defendant had reasonable cause to believe that the use to be made of such telephone service was

prohibited by law and that it would be used as an instrumentality to violate or to aid and abet the violation of the law.

A public hearing was held in San Francisco on April 2, 1963, before Examiner Rowe and the matter was then duly submitted.

Complainant testified that she had never been a subscriber of telephone service at 662 Ash Street; that on November 23, 1962, she first rented and moved into the above-described premises; that defendant had at all times thereafter refused her telephone service; and that she did not intend to and would not use such service for any illegal purpose should it be installed. There was no appearance by or testimony from any law enforcement agency.

Defendant placed in evidence a letter, Exhibit No. 1, which it received from the Chief of Police of the City and County of San Francisco, Thomas J. Cahill, dated August 27, 1962, which stated that the telephone service at the Ash Street address was being used to violate the law. Pursuant to such letter, defendant discontinued said service. Another such letter dated November 29, 1962, was submitted as Exhibit No. 2, which protested the installation of telephone service at said address for complainant.

It is found that defendant's action in discontinuing service and in refusing to install telephone service at the Ash Street address was based upon reasonable cause. Further, since there is no evidence of record that complainant ever used a telephone for any illegal purpose, it is found that she is entitled to telephone service.

O R D E R

IT IS ORDERED that the order of the Commission in Decision No. 64830, dated January 22, 1963, in Case No. 7532, temporarily

providing telephone service to complainant, be made permanent, such service being 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 twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of MAY, 1963.

George H. Grover
President

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners