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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANASTACIA ABENOJAR,
 Complainant,
 vs.
 PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY, a corporation,
 Defendant.

Case No. 7538
(Filed January 22, 1963)

William J. Kempenich and Rhein and Dienstag,
for complainant.
James F. Kirkham, for defendant.

O P I N I O N

By the complaint herein Anastacia Abenojar requests an order of this Commission that defendant Pacific Telephone and Telegraph Company be required to reinstall telephone service at her place of business at 1839 Laguna Street, San Francisco, listed as "Tasing's Beauty Shop" and "Tasing's Studio of Beauty".

By Decision No. 64849, dated January 29, 1963, the Commission ordered that the defendant restore telephone service to complainant pending further Commission order.

On February 6, 1963, defendant filed an 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) on or about January 8, 1963, had reasonable cause to believe that this telephone service was being used to violate the law and that pursuant to said decision it was required to and did disconnect service.

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

The parties stipulated that the removal was made by the police and that defendant's refusal to thereafter reinstall service was in accord with Decision No. 41415 and defendant's tariff and was based upon reasonable cause. Complainant testified that she had never used the telephone for any illegal purpose and would not do so in the future. There was no appearance by or testimony from any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and that the evidence fails to show that this telephone was used for any illegal purpose.

O R D E R

IT IS ORDERED that the order of the Commission in Decision No. 64849, dated January 29, 1963, in Case No. 7538, temporarily restoring telephone service to complainant, be made permanent, such restoration 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.

Harry A. Hoover
President
John J. [Signature]
[Signature]
William W. Bennett