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Decision No. 65327

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. GLORIA F. GEORGE, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH CO., Defendant.	Case No. 7536 (Filed January 21, 1963)

James F. Kirkham, for defendant.

O P I N I O N

By the complaint herein Gloria F. George requests an order of this Commission that the defendant The Pacific Telephone and Telegraph Company be required to provide telephone service to her at 1355 Bay Street, Apartment 2, in San Francisco. She alleges that she is a subscriber of telephone service to her business, Klever Kasuals, 360 Geary Street. She asserts that she was in no way involved in any illegal activity and she is living with her aged mother at the Bay Street address where she urgently needs telephone service.

By Decision No. 64837, dated January 22, 1963, the Commission ordered that the defendant provide telephone service to complainant pending further Commission order.

On January 31, 1963, defendant filed an answer, the principal allegation being that pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 353), it refused to provide this telephone service as it had reasonable cause to believe that a telephone at this address would be used for an illegal purpose.

A public hearing was held in San Francisco on April 2, 1963, before Examiner Rowe and the matter was submitted on the same date. No appearance was made by or on behalf of complainant.

The evidence submitted by the telephone company consisted of two letters from the Chief of Police. The first was dated December 18, 1958, and indicated that a telephone at 1355 Bay Street, Apartment 2, was being used for an illegal purpose. A postscript contained the statement that the telephone instruments had been taken and booked as evidence in a criminal case against an unstated defendant.

The second letter dated June 26, 1959, referred to an application for telephone by one Allan Janow and indicated that he had been arrested for bookmaking and that he had recently become married to Miss Gloria George, the present complainant. Complainant in her complaint alleged that she had divorced her husband, presumably the same Allan Janow.

After full consideration of this record, we find that the telephone company's refusal to install service was based upon reasonable cause as that term is used in Decision No. 41415, and we further find that since complainant, although duly notified of the hearing, failed to appear, her complaint should be dismissed.

O R D E R

IT IS ORDERED that complainant's request for restoration of telephone service be denied and that the temporary interim relief granted by Decision No. 64337 is vacated and set aside.

IT IS FURTHER ORDERED that, upon the expiration of five days after the effective date hereof, complainant may file an application with the utility for telephone service and that, if such application is filed, The Pacific Telephone and Telegraph

Company shall install telephone service at complainant's residence at 1355 Bay Street, Apartment 2, San Francisco, California, 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 Los Angeles, California, this 7th day of MAY, 1963.

President

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.