

65540

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARNOLD TAUBE,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 7579

Malcolm N. McCarthy, for complainant.
Pillsbury, Madison & Sutro, by James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 405 Eddy Street, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 65150.)

Defendant's answer alleges that on or about August 22, 1961, it had reasonable cause to believe that service to Arnold Taube under number GRaystone 4-7836 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner Daly at San Francisco on May 10, 1963.

By letter of August 21, 1961, the Chief of Police of San Francisco advised defendant that the telephone under number GRaystone

4-7836 was being used in violation of the vice laws of the State of California. (Exhibit 1.)

Complainant testified that he has great need for telephone service, and that he did not and will not use the telephone for any unlawful purpose. There was no appearance by or testimony from any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for any illegal purpose. Complainant is entitled to restoration of telephone service.

O R D E R

IT IS ORDERED that Decision No. 65150, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of JUNE, 1963.

George L. Throsser
President

Edward J. [Signature]

Frederick B. Haloboff

Stella [Signature]

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