

Decision No. 65580

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRED HIDER,)
)
 Complainant,)
)
 vs.)
)
 PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY,)
)
 Defendant.)

Case No. 7580

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 2750 Geneva Avenue, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 65151.)

Defendant's answer alleges that it had reasonable cause to believe that service to Fred Hider under number JU 5-5513 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, California on May 10, 1963.

By letter of March 12, 1963, the U.S. Treasury Department, Internal Revenue Service, advised defendant that the telephone under number JU 5-5513 was being used to disseminate horse-racing information and requested that service be disconnected, (Exhibit 1.)

Complainant testified that he has great need for telephone service, and 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. 65151, 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 15th day of JUNE 4, 1963.

George G. Brown
President

Robert E. Fitzgerald

Robert W. Page

Fredrick B. Halbach

William L. Bennett
Commissioners