

ORIGINAL

Decision No. 66060

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ETHEL GARNER,

Complainant,

vs.

PACIFIC TELEPHONE & TELEGRAPH
COMPANY,

Defendant.

Case No. 7638
(Filed June 3, 1963)John L. Burton, for complainant.James F. Kirkham, for defendant.O P I N I O N

Complainant seeks restoration of telephone service at 150 Haight Street, San Francisco. Interim restoration was ordered pending further order. (Decision No. 65538)

Defendant's answer alleges that on or about April 21, 1961, it had reasonable cause to believe that service to the premises referred to in the complaint under number KLondike 2-3569 was being or was to be used as an instrumentality directly or indirectly to violate or aid or 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 Rowe at San Francisco on August 8, 1963.

Counsel for the parties entered into a stipulation that defendant had in all respects acted upon reasonable cause.

Complainant testified that she has great need for telephone service and 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. Our conclusion is that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 65538, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of SEPTEMBER, 1953.

William L. DeWitt
President

Arthur S. Hallock

Everett H. Case

George H. Grover

Fredrick B. Hallock
Commissioners