

Decision No. 66370

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM CATLIN,
 Complainant,
 vs.
 PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY,
 Defendant.

Case No. 7647
(Filed June 14, 1963)

Anthony J. Wiechers, for complainant.
James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2491 Mission Street, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 65625.)

Defendant's answer alleges that on or about June 10, 1963, it had reasonable cause to believe that the use made or to be made of the telephone service referred to in the complaint was prohibited by law and that said service 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 Rowe at San Francisco on October 24, 1963.

By stipulation it was conceded by complainant that defendant had reasonable cause for its action in disconnecting service. Complainant testified that he has great need for the telephone service, and that he did not and will not use the telephone for any unlawful purpose. There was no 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. The Commission concludes that complainant is entitled to restoration of telephone service.

O R D E R

IT IS ORDERED that Decision No. 65625, 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 NOVEMBER, 1963.

William C. Bennett
President
John E. Frazier
Walter H. Ruge
George T. Crover
Frederick B. Hollosoff
Commissioners