

Decision No. 66371

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOAN MOBLEY,
 Complainant,
 vs.
 PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY,
 Defendant.

Case No. 7653
(Filed June 25, 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 Apartment 1, 1604 Sanchez Street, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 65648.)

Defendant's answer alleges that on or about June 12, 1963, it had reasonable cause to believe that service to complainant under number Mission 7-2540 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.

Complainant entered into a stipulation that defendant had reasonable cause for its action. Complainant testified that she has great need for telephone service, and that she 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 service.

O R D E R

IT IS ORDERED that Decision No. 65648, 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 26th day of NOVEMBER, 1963.

William L. Burnett
President

W. L. ...

W. L. ...

George T. ...

Fredrick P. Holoboff
Commissioners