

ORIGINAL

Decision No. 66373

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD ANDREW KRILE,
 Complainant,
 vs.
 PACIFIC TELEPHONE & TELEGRAPH
 COMPANY, a corporation,
 Defendant.

Case No. 7665
(Filed July 17, 1963)

William J. Gintjee, for complainant.
James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 37 States Street, Apartment 4, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 65734.)

Defendant's answer alleges that on or about July 10, 1963, it had reasonable cause to believe that service to complainant under number Market 6-2977 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.

The parties stipulated that defendant acted upon reasonable cause. 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 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. 65734, 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 26th day of NOVEMBER, 1963.

William G. Beaudet
President

John E. Hutchins

Edward W. Page

George L. Grover

Frederick B. Hallock
Commissioners