

66529

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Myrtie Rector, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 THE PACIFIC TELEPHONE AND TELEGRAPH )  
 COMPANY, a corporation, )  
 )  
 Defendant. )

Case No. 7730

Paul A. Eisler, for complainant.  
James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1730 Broderick Street, apartments numbered 1 and 4, in San Francisco, California. Interim restoration was ordered pending further order (Decision No. 66092).

Defendant's answer alleges that on or about June 25, 1962, it had reasonable cause to believe that service to complainant under number WE 1-7690 was being or was to be used as an instrumentality to violate the 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 November 21, 1963.

Complainant entered into a stipulation that defendant had reasonable cause for its action. Complainant testified that she had need for the 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. 66092, 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 27<sup>th</sup> day of December, 1963.

William M. Bennett  
President

Robert A. [unclear]

George F. Trover

Frederick B. Helloff

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Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.