

Decision No. 66605

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KENNETH J. McDONALD,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELE-  
GRAPH COMPANY, a corporation,

Defendant.

Case No. 7731

James F. Kirkham, for defendant.O P I N I O N

Complainant seeks restoration of telephone service at 1817 California Street, San Francisco, California, under number GRaystone 4-8995.

Defendant's answer alleges that on or about September 9, 1963, it had reasonable cause to believe that service to complainant under said number was being or was to be used as an instrumentality to violate the law, and therefore, it was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853. Service to complainant was temporarily ordered restored pursuant to Decision No. 66093.

The matter was heard and submitted before Examiner Rowe at San Francisco on November 21, 1963. Complainant, though duly notified of the hearing, failed to appear.

By letter of September 9, 1963, the Chief of Police of the City and County of San Francisco advised defendant that complainant's telephone was being used for an illegal purpose. Disconnection was requested.

Based upon the evidence adduced by defendant the Commission finds that its action was based upon reasonable cause and concludes that the complaint should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED that the order in Decision No. 66093, temporarily entitling complainant to service, is vacated and set aside, and that the complaint is dismissed for lack of prosecution.

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

Dated at San Francisco, California, this 14th day of JANUARY, 1964.

*Holloman Burns*  
President

*Carl [unclear]*  
*Carl [unclear]*

*George J. Hoover*

*Frederic B. Helms*  
Commissioners