

ORIGINAL

66919

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MADELINE BEVERLY,  
 Complainant,  
 vs.  
 PACIFIC TELEPHONE AND TELEGRAPH  
 COMPANY, a corporation,  
 Defendant.

Case No. 7754  
(Filed October 25, 1963)

James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 2557 Sutter Street, Apartment 306, San Francisco, California.

Defendant's answer alleges that on or about July 29, 1963, it had reasonable cause to believe that service to complainant under number WA 1-1198 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of 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. 66253.

The matter was heard and submitted before Examiner Rowe at San Francisco on January 30, 1964. Complainant, though duly notified of the hearing, failed to appear.

By letter of July 30, 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, and had been physically removed. Disconnection of service was requested.


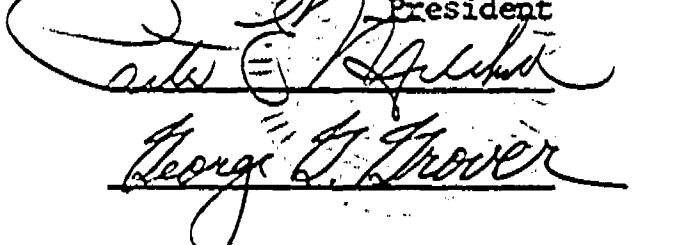
Based upon the evidence, the Commission finds that defendant's action was based upon reasonable cause. The Commission also concludes that, complainant not having appeared at the duly noticed hearing, the complaint should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED that the Order in Decision No. 66253, temporarily restoring service to complainant, is vacated and set aside, and that complainant's 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 10<sup>th</sup> day of MARCH, 1964.

  
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President  
  
\_\_\_\_\_  
George T. Hoover

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Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.