

Decision No. 67013

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH E. ROBINSON,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY, a public corporation,)
)
 Defendant.)

Case No. 7655
 Filed July 12, 1963

Joseph E. Robinson, in propria persona.
James F. Kirkham, for defendant.
Robert P. Berkman, for the City of
 Berkeley, Intervenor.

O P I N I O N

At the hearing on this complaint on August 28, 1963, complainant failed to appear. Thereupon the order in Decision No. 65650 temporarily restoring service to complainant was vacated and set aside by Decision No. 66405, and the complaint was dismissed for lack of prosecution.

Subsequently an order, dated December 20, 1963, after reciting that complainant's failure to appear was inadvertent and due to excusable neglect, vacated and set aside said Decision No. 66405 and ordered that Case No. 7655 be set for further hearing. Defendant was ordered not to disconnect service to complainant pending further order of the Commission.

Further hearing was held on February 28, 1964, before Examiner Rowe, in San Francisco.

Complainant testified that he and his wife, a registered nurse, have great need for telephone service and that he did not and

will not permit anyone else to use the telephone for any unlawful purpose. No testimony was offered by the City of Berkeley which had intervened in this proceeding.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that defendant used the telephone for any illegal purpose. The Commission concludes that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 65650, which temporarily restored service to complainant, is reinstated and 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 31st day of March, 1964.

 President

City of Berkeley

Wesley O. Ray

George A. Grover

Fredrick B. Halakoff
 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.