

ORIGINAL

Decision No. 67052

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DUANE L. PETERSON,

Complainant,

Case No. 7805

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, DOE I TO XXX, inclusive,

Defendants.

E. V. Cavanagh and Don Edgar Burris, for
complainant.
Lawler, Felix & Hall by A. J. Krappman, Jr.,
for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 806 North Cuiver Avenue, Compton, California. Interim restoration was ordered pending further order (Decision No. 66566, dated January 7, 1964).

Defendant's answer alleges that on or about September 11, 1963, it had reasonable cause to believe that service to Duane L. Peterson, under number 636-7669, 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 DeWolf at Los Angeles on February 28, 1964.

Complainant and defendant, through their attorneys, stipulated that the action of defendant in disconnection of complainant's telephone, was based upon reasonable cause as that term is used in Decision No. 41415, and further stipulated that if the complainant were called to testify, that he would testify to the truth of the allegations set forth in the complaint.

Thereafter, complainant testified that he has great need for telephone service; that he has moved to a new address at 617 West 63rd Place, Los Angeles, California; and he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or 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. Complainant is entitled to service at his new address of 617 West 63rd Place, Los Angeles, California.

O R D E R

IT IS ORDERED that Decision No. 66566, dated January 7, 1964, temporarily restoring service to complainant, is amended to

show that it is for the installation of new service and, as such, that it be 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 7th day of April, 1964.

Hellen G. Bennett
President

W. E. Mitchell

W. E. Mitchell

George T. Groves

Frederick B. Hohlhoff
Commissioners