

ORIGINAL

Decision No. 67055

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

David Handelsman,)
)
 Complainant,)
)
 vs.)
)
 The Pacific Telephone and Telegraph)
 Company, a corporation,)
)
 Defendant.)

Case No. 7821
 Filed January 15, 1964

William Klein, for complainant.
James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 903 Pine Street, Apartment 24, San Francisco, California. Interim restoration was ordered January 28, 1964, pending further order. (Decision No. 66705.)

Defendant's answer alleges that on December 12, 1963, it had reasonable cause to believe that the use made of the telephone was prohibited by law, and therefore it 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 February 28, 1964.

It was stipulated that defendant acted reasonably and as required by defendant's tariff and by the requirements of Decision No. 41415.

Complainant testified that he has been engaged in the tailoring business for 40 years, he has great need for telephone

service, 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. The Commission concludes that complainant is entitled to restoration of telephone service.

O R D E R

IT IS ORDERED that Decision No. 66705, 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 7th day of April, 1964.

William L. Bennett
President

George T. Crover

Fredrick B. Halblaff
Commissioners