

ORIGINAL

Decision No. 67513

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MADLINE BEVERLY,
Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,
Defendant.

Case No. 7754

Madeline Beverly, in propria persona.

James F. Kirkham, for defendant.

O P I N I O N

By complaint filed October 25, 1963, restoration of telephone service at 2557 Sutter Street, Apartment 306, San Francisco, California was sought. Hearing was held on January 30, 1964, at which time defendant proved that it had acted upon reasonable cause. Complainant, though duly notified, failed to appear. By Decision No. 66919 the order temporarily restoring service was vacated and the complaint dismissed for lack of prosecution. This order in turn was vacated on April 28, 1964, and the matter set for further hearing upon a showing that complainant's failure to appear was inadvertent.

Further hearing was held before Examiner Rowe in San Francisco on June 5, 1964. Complainant testified that during the month of July 1963 she was absent from her apartment and,

during her absence, a person having access to her apartment did, without her knowledge and consent, use the telephone for illegal purposes; she has great need for telephone service, and she did not and will not use the telephone or permit it to be used 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 complainant 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. 66253, 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 14th day of JULY, 1964.

Frederick B. Hallock
President
Paul E. ...
George L. ...
William L. ...

Commissioners

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