

ORIGINALDecision No. 67652

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN J. PRONGOS, doing business
as the ALHAMBRA CANDY COMPANY,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 7898
(Filed May 12, 1964)Roger A. Bramy, for Complainant.
James F. Kirkham, for Defendant.O P I N I O N

Complainant seeks restoration of telephone service at 2206 Polk Street, San Francisco, California. Interim restoration was ordered pending further order. (Decision No. 67254, dated May 26, 1964).

Defendant's answer alleges that on or about June 2, 1963, it had reasonable cause to believe that service to complainant under number Graystone 4-9537 was being used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to discontinue 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 July 2, 1964.

Complainant testified that he has need for telephone

service in his business 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.

It was stipulated by the parties that defendant had acted reasonably in discontinuing service. We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephone was used for an illegal purpose. The Commission concludes that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 67254, 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 4th day of August, 1964.

Fredrick B. Holbrook
President

Creed W. [unclear]

George H. Crow

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

-2- Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.