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ORIGINAL

Decision No. 68157

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN STECONNE, an individual,)
Complainant,)

vs.)

Case No. 7901

THE PACIFIC TELEPHONE COMPANY,)
a corporation,)
Defendant.)

Stanley P. Golden, for complainant.
James F. Kirkham, for defendant.

O P I N I O N

On May 18, 1964, complainant filed his complaint requesting restoration of telephone service at 136 Santa Clara Avenue, Oakland, California. Based upon the verified allegation that service having been withdrawn upon the ground that he had been over three years ago engaged in allegedly illegal gambling activity, but that he had satisfactorily completed his period of probation, this Commission issued its Order Granting Interim Relief. (Decision No. 67292, dated June 3, 1964.)

Defendant's answer alleged that on or about May 6, 1960 it had reasonable cause to believe that service to complainant under number LA 3-1943 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 in Oakland on September 29, 1964.

Complainant and his daughter testified as to his great need for telephone service. He stated that he would not use the telephone for any illegal purpose. He introduced into evidence a verified copy of the Superior Court's order dismissing all accusatory pleadings against complainant and releasing him from all penalties and disabilities resulting from the offense of which he has been convicted. A sergeant in the Bookmaking Division of the Oakland Police Department also testified on behalf of complainant.

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 shows that the telephone was used for an illegal purpose. However, complainant has been without telephone service for over four years and the Commission concludes that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 67292, 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 2nd day of NOVEMBER, 1964.

Fredrick B. Halbluff
President

Richard L. Halbluff

George W. Ray

George H. Traver

William L. Dennis
Commissioners