

ORIGINAL

Decision No. 68284

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BEN FRIEDMAN, individually and
doing business as FRIEDMAN ENTERPRISES,)

Complainant,

vs.

Case No. 7930

PACIFIC TELEPHONE & TELEGRAPH COMPANY,
a corporation,

Defendant.

Ben Berkan and Milton Stern, Jr., for
complainant.

James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1311 Grant Avenue, San Francisco, California. Interim restoration was ordered pending further order by Decision No. 67476, issued July 7, 1964.

Defendant's answer alleges that on or about June 25, 1964, it had reasonable cause to believe that service to complainant under numbers GARfield 1-5536 and YUKon 6-4447 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 San Francisco on October 30, 1964.

Complainant testified that he has great need for telephone service, and that he has never used, and will not use, the telephone for any unlawful purpose. There was no appearance by or testimony from any law enforcement agency. Counsel stipulated that defendant acted reasonably.

We find that defendant's action was based upon reasonable cause, and the evidence fails to show that the telephones were used for any illegal purpose. The Commission concludes that complainant is entitled to service.

ORDER

IT IS ORDERED that Decision No. 67476, temporarily restoring service to complainant, is 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 30th day of NOVEMBER, 1964.

Frederick B. Helplatt
President

[Signature]

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George G. Trover

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Commissioners