

ORIGINALDecision No. 68287

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

S. E. Kinkade,

Complainant,

vs.

The Pacific Telephone and
Telegraph Company, a corporation,

Defendant.

Case No. 7959

S. E. Kinkade, in propria persona.
James F. Kirkham, for defendant.O P I N I O N

Complainant seeks restoration of telephone service at 255 Clementina Street, San Francisco, California.

Defendant's answer alleged that on or about June 19, 1964, defendant had reasonable cause to believe that the use made of said telephone was prohibited by law and therefore it was required to discontinue service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

By letter of June 18, 1964, the Chief of Police of the City and County of San Francisco advised defendant that telephone service under number EX 7-2604 was being used for an illegal purpose.

Public hearing was held in San Francisco before Examiner Rowe on October 30, 1964, and the matter was then duly submitted.

Complainant testified that he needs telephone service and that he has never used the telephone for any illegal purpose. The telephone was removed, according to his testimony, during a period when he was outside the State and had sold his business to others.

He later repossessed the business and premises and wishes to have service restored. There was no 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 by complainant for any illegal purpose. The Commission concludes that complainant is entitled to restoration of service.

O R D E R

IT IS ORDERED that Decision No. 67679, 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 30th day of NOVEMBER, 1964.

Fredrick B. Holbrook
President

Carl L. Meehan

Covert O. Rogers

George E. Traver

William L. Bennett
Commissioners