

**ORIGINAL**

Decision No. 68288

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Frank J. Martinez,	)
	)
Complainant,	)
	)
vs.	)
	)
The Pacific Telephone and	)
Telegraph Company, a corporation,	)
	)
Defendant.	)

Case No. 7974  
Filed August 6, 1964

Hugh N. Orr, for complainant.  
James F. Kirkham, for defendant.

O P I N I O N

On August 6, 1964, complainant filed a complaint requesting restoration of telephone service at 559 Campbell Street, San Francisco, California. Based upon the verified allegation that service having been withdrawn upon the ground that he had been over one year ago engaged in allegedly illegal activity, but had satisfactorily completed his period of probation, this Commission issued its order granting interim relief (Decision No. 67716, dated August 18, 1964).

Defendant's answer alleges that on or about February 6, 1963, it had reasonable cause to believe that service to complainant under number JU 6-6088 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 October 30, 1964.

Complainant 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 him.

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 one year and the Commission concludes that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 67716, 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 30<sup>th</sup> day of November, 1964.

Fredrick B. Hebluff  
President  
George E. Thayer  
William H. Reed  
George E. Thayer  
William H. Reed  
Commissioners