ORIGINAL

Decision No. __68289__

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BEN CARLSON,

        Complainant,

      vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

        Defendant.

Case No. 7990
(Filed August 24, 1964)

Melvin Cohen, for complainant.

James F. Kirkham, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at
387 Geary Street, San Francisco, California.

Defendant's answer alleges that on or about May 14, 1959,
it had reasonable cause to believe that service to complainant under
number DO 2-7043 was being used as an instrumentality directly or
indirectly to violate or aid or abet violation of law, and there-
fore 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 that he has great need for telephone
service, and he has not 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 in disconnecting service.

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

O R D E R

IT IS ORDERED that complainant's request for service is granted, and, upon the filing by the complainant of an application with the utility for telephone service, defendant shall reinstall telephone service at 387 Geary Street, in San Francisco, California, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at _____ San Francisco _____, California, this _30th_ day of _November_, 1964.

_____
President

_____

_____

_____
Commissioners