

ORIGINAL

Decision No. 68499

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

E. B. JONES,

Complainant,

vs.

GENERAL TELEPHONE COMPANY
OF CALIFORNIA, a corporation,

Defendant.

Case No. 7775
(Filed November 4, 1963)

Joseph Forno, for complainant,
A. M. Hart and Donald J. Duckett, by
Donald J. Duckett, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 11970 Olive Street, Norwalk, California. Interim restoration was ordered pending further order (Decision No. 66326 dated November 19, 1963).

Defendant's answer denies the allegations of the complaint and alleges that it had no knowledge that complainant's telephone was not working normally until it received service of a copy of Decision No. 66326.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 20, 1964.

Complainant testified that law enforcement officers disconnected his telephone and removed the instrument from his home on September 7, 1963; that he has great need for telephone

service for his sick wife who is suffering from a heart condition and is under the care of a doctor; that he is retired because of his age and also for that reason telephone service is necessary. Complainant further testified that he has no knowledge of any illegal use of his telephone; that he has great need for telephone service; and that he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

The attorney for complainant stipulated with the attorney for defendant that prior to receiving service of the complaint herein, defendant had no knowledge that complainant's telephone was not working in a normal manner and that no notice was received by the defendant from the officers who removed complainant's telephone.

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

O R D E R

IT IS ORDERED that Decision No. 66326, dated November 19, 1963, 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 19th day of January, 1965.

Frederic B. Hallock
President
George F. Trover
William L. Bennett

Commissioners