

**ORIGINAL**

Decision No. 69448

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Complainant alleged that she was arrested in June, 1964, on suspicion of soliciting, but that she does not now intend to use her telephone as an instrumentality to violate the law or in aiding or abetting such violation. (Filed April 20, 1965)

**MARIE KRENITSKY,**  
Complainant,  
vs.  
**THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation,** Defendant.

Case No. 8163

Complainant seeks restoration of telephone service at 1701 Vallejo Street, San Francisco. The Police Department of San Francisco stated in its letter dated June 5, 1964, that one of its officers had removed the telephone instrument on June 4, 1964. Interim restoration was ordered pending further order by Decision No. 69011, dated May 4, 1965.

Defendant's answer alleges that on or about June 8, 1964, it had reasonable cause to believe that service to complainant under number 2R 1-0248 was being used as an instrumentality to violate or aid and abet violation of law, and therefore defendant was required to and did discontinue service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 253.

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provisions and existing applicable law.

The effective date of this order shall be twenty days after the date hereof, <sup>San Francisco</sup>

Dated at \_\_\_\_\_, California, this 27th day of July, 1965.

Fredrick B. Holdhoff  
President

George E. Dwyer

Augusta

~~Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.~~

~~Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.~~

*CORRECTION*

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THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

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MARIE KRENITSKY,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 8163  
(Filed April 20, 1965)James F. Kirkham and Walter R. Allen, for defendant.  
Marie Krenitsky, in propria persona.O P I N I O N

Complainant seeks restoration of telephone service at 1701 Vallejo Street, San Francisco. The Police Department of San Francisco stated in its letter dated June 5, 1964, that one of its officers had removed the telephone instrument on June 4, 1964. Interim restoration was ordered pending further order by Decision No. 69011, dated May 4, 1965.

Defendant's answer alleges that on or about June 8, 1964, it had reasonable cause to believe that service to complainant under number PR 1-0248 was being used as an instrumentality to violate or aid and abet violation of law, and therefore defendant was required to and did discontinue service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853. Complainant alleged that she does not now intend to use the telephone for any illegal purpose. The matter was heard and submitted before Examiner Rowe in San Francisco on June 15, 1965.

Complainant alleged that she was arrested in June, 1964, on a charge of suspicion of soliciting, but that she does not now intend to use the telephone as an instrumentality to violate the law nor in aiding or abetting such violation.

Complainant testified that the telephone was used for an illegal purpose; she has great need for telephone service, and will not use the telephone for any illegal purpose. Complainant was deprived of the use of her telephone for approximately eleven months. There was no appearance by or testimony from any law enforcement agency. The telephone company, in order to show it had acted reasonably, introduced in evidence the letter from the Police Department but offered no testimony that the telephone had ever been used for any illegal purpose.

We find that defendant's action was based upon reasonable cause; that complainant's telephone was used for an illegal purpose, and that complainant's telephone was disconnected for eleven months. The Commission concludes that complainant is entitled to service.

O R D E R

IT IS ORDERED that Decision No. 69011, dated May 4, 1965, 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 27th day of July, 1965.

Friedrich G. Halbach  
President

George G. Grover

Augusta

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.