

ORIGINAL

Decision No. 71067

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BILFEL, INC., dba RED ROBIN,
Complainant,

vs.

PACIFIC TELEPHONE COMPANY,
a corporation,
Defendant.

Case No. 8379
(Filed March 22, 1966)

William Felice, Jr., for complainant.

Walter R. Allan, for defendant.

O P I N I O N

On March 22, 1966, Bilfel, Inc., doing business as Red Robin, a tavern located at 316 Eddy Street, San Francisco, filed a complaint against the defendant alleging that its telephone service had been discontinued without cause; that defendant refused to restore service, and that complainant does not intend to use the telephone facilities as an instrument to violate the law or aid or abet violation of law. On March 29, 1966, the Commission ordered interim restoration of service pending its further order (Decision No. 70485).

A public hearing was held before Examiner Daly on June 24, 1966, at San Francisco. There was no appearance by or testimony from any law enforcement agency.

The president of complainant testified that on or about March 9, 1966, a telephone call was made to the Red Robin tavern and the caller asked to speak to a female patron, who answered the call and shortly thereafter left the premises. According to the witness the telephone facilities were disconnected the following day.

Defendant disconnected the telephone service at the Red Robin tavern in reliance upon a letter dated March 16, 1966, from the Chief of Police of the City and County of San Francisco, which stated that said facilities were being used for an unlawful purpose. (Exhibit 1).

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 telephone service.

O R D E R

IT IS ORDERED that Decision No. 70485, 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 2nd day of AUGUST, 1966.

Richard E. Mitchell
 President

George T. Grover

Fredrick B. Holloff

Augustan

Commissioners