

**ORIGINAL**

Decision No. 70247

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARRY V. FRASER,

Complainant,

vs.

Case No. 8274

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,  
a corporation,

Defendant.

Harry V. Fraser, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 14601 Kingsdale Street, Lawndale, California. Interim restoration was ordered pending further order (Decision No. 69762, dated October 5, 1965).

Defendant's answer alleges that on or about August 31, 1965, it had reasonable cause to believe that service to Harry V. Fraser, under number OS 9-4351, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 16, 1965.

By letter of August 28, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number OS 9-4351 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that his wife has been hospitalized because of a heart condition, and that she was taken to the hospital shortly after removal of the telephone, all of which occurred without his knowledge and while he was at work.

Complainant further testified that he has great need for telephone service for medical reasons and 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.

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. Complainant is entitled to restoration of service.

ORDER

IT IS ORDERED that Decision No. 69762, dated October 5, 1965, 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 18<sup>th</sup> day of JANUARY, 1966.

*Frederick B. Holbrook*

President

*John L. Mitchell*

*George H. Grover*

*Margaret*

Commissioners

*Henry J. Sotelo  
William B. DeWitt*