

**ORIGINAL**

Decision No. 70859

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR H. FARQUHARSON,  
Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 8346

Arthur H. Farquharson, in propria  
persona.  
Lawler, Felix & Hall, by Richard L.  
Fruin, Jr., for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 201 Santa Cruz Road, Arcadia, California. Interim restoration was ordered pending further order (Decision No. 70341, dated February 15, 1966).

Defendant's answer alleges that on or about August 9, 1965, it had reasonable cause to believe that service to Arthur H. Farquharson, under number 445-2299, 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 April 21, 1966.

By letter of August 5, 1965, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 445-2299 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 he is by occupation an outside salesman and manufacturers' representative and uses the telephone in the morning and evening for making business calls to his customers, and such telephone service is necessary in his work to enable him to earn a livelihood.

Complainant further testified that he has no knowledge of any unlawful use of the telephone and he has great need for telephone service, 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.

O R D E R

IT IS ORDERED that Decision No. 70341, dated February 15, 1966, 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 14<sup>TH</sup> day of JUNE, 1966.

Fredrick B. Holdhoff  
President  
John E. [unclear]  
George F. Grover  
[unclear]  
Commissioners