

Decision No. 70973

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. FRANCES MAY McDONALD,  
Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a  
corporation,

Defendant.

Case No. 8361

Mrs. Frances May McDonald, 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 11636 Rio Hondo Parkway, El Monte, California. Interim restoration was ordered pending further order (Decision No. 70443, dated March 15, 1966).

Defendant's answer alleges that on or about March 4, 1966, it had reasonable cause to believe that service to Frances M. McDonald under number 448-1123, 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 May 16, 1966.

By letter of March 2, 1966, the Sheriff of the County of Los Angeles advised defendant that the telephone under number 448-1123 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 she is suffering from a recent heart attack and has urgent need for telephone service to summon help if necessary and to keep in touch with her doctor and she 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. 70443, dated March 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 19<sup>th</sup> day of JULY, 1966.

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President

*George H. Grover*

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*Fredrick B. Holshoff*

*Augustus*

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*William L. ...*

Commissioners

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