

**ORIGINAL**

Decision No. 63595

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. LEE EDWARD SHARPE,

Complainant,

vs.

Case No. 7276

PACIFIC TELEPHONE, a Corporation,

Defendant.

Curtis C. Taylor for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Edward P. George,  
for the Police Department of the  
City of Los Angeles, intervenor.

O P I N I O N

By the complaint, filed January 29, 1962, Mrs. Lee Edward Sharpe requests an order of this Commission that the defendant, Pacific Telephone, a corporation, be required to reinstall telephone service at her residence at 2912 Chesapeake Avenue, Los Angeles, California.

On February 13, 1962, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), on or about February 27, 1961, had reasonable cause to believe that the telephone service furnished to Mrs. Lee Edward Sharpe under

number REpublic 4-7848, located at 2912 Chesapeake Avenue, Los Angeles, California, was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law, and that having such reasonable cause the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on March 23, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a copy of a letter dated February 24, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone and extension furnished to Mrs. Lee Edward Sharpe under number RE 47848 at 2912 Chesapeake Avenue was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. Pursuant thereto a central office disconnection was effected.

Complainant testified that her telephone and extension were removed from her residence while she was away from home. She denied that she had used the phone for any unlawful purposes in connection with bookmaking and denied that she had any knowledge of such activities being conducted on her telephone. She does not now have a telephone and has not had one for over a year. She has need of a telephone to call a doctor if needed and to secure employment.

A police officer testified that he removed the telephone on February 22, 1961, in the absence of complainant, and at the same time found a metal table in the garage with pencils and damp paper towels containing an abrasive substance which could be used in removing betting marks from the table. Before entry of the premises the officer testified that he placed bets on horse races by calling this number. The officer also testified that the next day he returned to the premises and found that the phone had been reconnected and that while he was there the phone rang several times and persons calling asked to place bets on horse races.

After full consideration of this record we find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415. We further find that the evidence discloses that complainant's telephone was used for bookmaking purposes; that complainant has been without the use of a telephone for more than one year; that she has need for telephone service at 2912 Chesapeake Avenue, Los Angeles, California; and that said service should be reinstalled.

O R D E R

The complaint of Mrs. Lee Edward Sharpe against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,

IT IS ORDERED that complainant's request for telephone service is granted and that, upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's residence at 2912 Chesapeake Avenue, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 24th day of APRIL, 1962.

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*W. L. Hatchell*  
 President

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*E. L. Fox*

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*George T. Hoover*

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*Fredrick B. Hill*  
 Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the proceedings of this proceeding.