

**ORIGINAL**

Decision No. 68080

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LLOYD SHARP,

Complainant,

VS.

Case No. 7934

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a Corporation,

Defendant.

Lloyd Sharp, in propria persona.  
Lawler, Felix & Hall, by Robert C. Coppo, for defendant.  
Roger Arnebergh, City Attorney, by  
James H. Kline, for the Los Angeles  
Police Department, intervenor.

O P I N I O N

Complainant seeks restoration of telephone service at 8512 South Olive Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67508, dated July 14, 1964).

Defendant's answer alleges that on or about February 25, 1964, it had reasonable cause to believe that service to Lloyd Sharp, under number 759-5186 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 September 14, 1964.

By letter of February 24, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 759-5186 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 engaged in building maintenance work and he needs a telephone to get work and keep in touch with the jobs, and he is away from home during the day and was not present when his sister-in-law was arrested for bookmaking. Complainant further testified that he arrived home shortly before the police left and that they did not take any writings or other evidence.

Complainant also testified that he will not allow anyone to use his telephone for any unlawful purposes.

Complainant further testified that he has no knowledge of any unlawful use of his telephone, he has great need for telephone service, and he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and cross-examined the complainant, but no testimony was offered on behalf of 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. 67508, dated July 14, 1964, 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 20<sup>th</sup> day of OCTOBER, 1964.

Frederick B. Holdcroft  
President

Ed. Mitchell

Carol A. Fog

George L. Trover

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.