

ORIGINALDecision No. 50821

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EARL A. RENNINGER,)

Complainant,)

vs.)

Case No. 5568)

GENERAL TELEPHONE COMPANY OF)
CALIFORNIA,)Defendant.)

Earl A. Renninger, in propria persona. Marshall
K. Taylor and Albert M. Hart, for defendant.

O P I N I O N

The complaint alleges that Earl A. Renninger, of 14602 Grayland Avenue, Norwalk, California, prior to August 1951 was a subscriber and user of telephone service furnished by the General Telephone Company under number Torrey 4-2137. On or about August 28, 1951, these telephone facilities were disconnected by officers of the Sheriff's Office of Los Angeles County, and that despite demands upon defendant to have the said telephone facilities restored the defendant has refused and does now refuse so to do. The complaint also alleges that the complainant has suffered and will suffer irreparable injury and great hardship as a result of being deprived of these telephone facilities, and further that the complainant did not use and does not now intend to use the telephone facilities as an

instrumentality to violate or to aid and abet the violation of the law.

Under date of September 7, 1954, the General Telephone Company filed an answer in which it alleged as an affirmative defense that it had received a letter dated August 28, 1951, from the Sheriff of Los Angeles County, requesting that it disconnect the telephone facilities in question pursuant to a decision of this Commission, Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), and that pursuant to this request the defendant company discontinued the telephone service in question effective August 28, 1951.

A public hearing was held in Los Angeles before Examiner Grant E. Syphers on October 14, 1954, at which time evidence was adduced and the matter submitted. At the hearing the complainant testified that in August 1951 he was renting two rooms of his residence to a man named Herbert Arden Grosdidier. On one day during the month of August, when Mr. Renninger returned home from work at about 6 p.m., he found that the telephone had been taken, and subsequently learned that during the day officers of the Sheriff's Department had raided the house, arrested Mr. Grosdidier for bookmaking, and disconnected the telephone. The complainant further testified that he did not know of, and had no connection with, any bookmaking activities which the tenant may have engaged in.

In June 1952 the complainant moved to Calexico, returning to Los Angeles in September 1953. About June 1954 his wife

applied for a telephone, and resultantly a telephone instrument was placed in their home but was not put in operation. About two weeks later the telephone company removed the instrument, whereupon the instant complaint was filed. The complainant stated that he now needs a telephone in his residence, that he has not in the past used and does not now intend to use a telephone for any unlawful purpose. Further, he does not intend to rent any rooms of his house.

Exhibit No. 1 is a copy of a letter dated August 28, 1951, received by defendant company. The position of this company was that as a result of the receipt of this letter the company, in disconnecting and refusing to reconnect the service, acted with reasonable cause, as such term is defined in Decision No. 41415, supra.

In the light of this record we find that the action of the telephone company was based upon reasonable cause, as such term is used in Decision No. 41415, supra. We further find that there is no evidence to indicate that the complainant herein engaged in or was directly connected with bookmaking activities. Therefore, the complainant now is entitled to a restoration of telephone service.

O R D E R

The complaint of Earl A. Renninger against General Telephone Company having been filed, public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service be granted, and that upon the filing by

the complainant of an application for telephone service the General Telephone Company shall install telephone service at complainant's residence at 14602 Grayland Avenue, Norwalk, 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 twenty days after the date hereof.

Dated at San Francisco, California,
this 30th day of November, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Justice S. Orndorff, being necessarily absent, did not participate in the disposition of this proceeding.