

ORIGINAL

Decision No. 56876

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALBERT W. BURKHARDT,  
Complainant,

Case No. 6076

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH CO.,  
Defendant.

Albert W. Burkhardt, in propria persona.  
Lawler, Felix & Hall, by Thomas E. Workman, Jr., for  
defendant.  
Roger Arnebergh, City Attorney, by John T. Neville,  
for the Los Angeles City Police Department,  
interested party.

O P I N I O N

Public hearing was held in this matter before Examiner Grant E. Syphers on June 2, 1958, at which time evidence was adduced and the matter submitted.

Albert W. Burkhardt is an employee of the Los Angeles City Schools System engaged in electrical maintenance work. In such employment he receives calls at odd hours whenever it is necessary to have an electrical installation repaired. He resides at 16835 South Hoover Street, in the City of Gardena.

On the evening of March 5, 1958, he came home from work at about 6:00 p.m. and learned that at about 2:15 p.m. that day three deputy sheriffs had visited his residence and removed the phones.

Prior to the visit one of the deputy sheriffs had called the telephone number, which was Davis 3-2385. The phone was answered by a female voice and he placed a bet on a horse race over that phone. Immediately thereafter three deputies went to the location and there found Mrs. Burkhardt, and after a search of the house, they found a number of betting markers. Mrs. Burkhardt was arrested and subsequently plead guilty to a charge of bookmaking. She was fined and placed on probation.

The telephone service which was in the house consisted of a wall telephone in the kitchen and two extensions thereto, one in the den, and one in the bedroom. In the instant complaint Burkhardt requests restoration of phone service to the extent that he have a telephone in the kitchen and one extension in the bedroom.

The complainant Burkhardt testified that he did not know of his wife's bookmaking activities; that he had no part therein; and that he did not intend to use any telephone for unlawful purposes. He further testified that his wife would not further engage in bookmaking activities. Burkhardt did admit that he had been arrested for bookmaking in 1948, but that he had not engaged in any such activities since that time. This testimony was not contradicted at the hearing.

Testimony presented by the telephone company disclosed that they were in receipt of a letter dated March 6, 1958, from

the Chief of Police of the City of Los Angeles requesting that the telephone service hereinabove described be disconnected. The telephone company, pursuant to this letter, disconnected the services.

Upon this record we find that the telephone company exercised due care in taking the action it did, and we further find that this action was based upon reasonable cause as that term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 P.U.C. 853).

We further find that the complainant now is entitled to restoration of telephone service. His wife has paid the penalty for any violation of the Penal Code which she has committed, the telephone facilities have been disconnected for three months, and there now is no indication that these facilities will in the future be used in an unlawful manner.

O R D E R

The complaint of Albert W. Burkhardt against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the case now being ready for decision, the Commission being fully advised in the premises, and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that after the effective date of this decision, and upon the filing of a proper application by the

complainant Albert W. Burkhardt, The Pacific Telephone and Telegraph Company shall install telephone service at 16835 South Hoover Street, Gardena, California, such installation being subject to all authorized rules and regulations of the telephone company and to the applicable law.

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

Dated at San Francisco, California,  
this 24<sup>th</sup> day of June, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Theodore Jenner  
Commissioners