

ORIGINAL

Decision No. 60715

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELMER GRENKE, and HELLENE GRENKE,

Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 6523

Harry A. Kaplan, attorney, for complainants.
Lawler, Felix & Hall, attorneys, by A. J.
Krappman, Jr., for the defendant.

O P I N I O N

By the complaint herein, filed on June 6, 1960, Elmer Grenke and Hellene Grenke request an order from this Commission requiring the defendant, The Pacific Telephone and Telegraph Company, a corporation, to reinstall telephone service at complainants' place of business known as Duffy's Cafe at 354 West 6th Street, San Pedro, California.

On June 20, 1960, 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 May 23, 1960, had reasonable cause to believe that the telephone service furnished to complainant Elmer Grenke under number TErMinal 2-9578

at 354 West 6th Street, San Pedro, 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, supra.

A public hearing was held in Los Angeles on August 8, 1960, before Examiner Kent C. Rogers.

The complainant Elmer Grenke testified that he was the subscriber to the telephone service furnished by the defendant at 354 West 6th Street, San Pedro; that on or about May 25, 1960, without his consent the telephone was removed by defendant's employees; that the telephone bills were paid and nothing was delinquent; that the complainant needs the telephone for maintaining the business at said address; that said business is a cafe and that the telephone is necessary in order to maintain said business.

Notice of the hearing was furnished to the City Attorney of the City of Los Angeles, but he made no appearance thereat.

Exhibit No. 2 is a letter dated May 20, 1960, from the acting Chief of Police of the City of Los Angeles to the defendant stating that complainants' telephone number under TE 2-9578 at 354 West 6th Street, San Pedro, was being used for receiving and forwarding bets. An employee of the telephone company testified that this letter was received on May 23, 1960, and that a central office disconnection was effected shortly thereafter pursuant to said letter. The position of the telephone company was that it had acted with reasonable cause as that term

is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 2.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra. We further find that the evidence fails to show that the complainant's telephone was used for any illegal purpose and that therefore the complainant is entitled to restoration of his telephone service.

O R D E R

The complaint of Elmer Grenke and Hellen Grenke 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 on the findings and evidence herein,

IT IS ORDERED that the complainants' request for telephone service is granted and that upon the filing by the complainants, or either of them, of an application for telephone service The Pacific Telephone and Telegraph Company shall install telephone service at the complainants' place of business at 354 West 6th Street, San Pedro, 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 13th day of September, 1960.

Ernest R. Page

President

[Signature]

[Signature]

Commissioners

Matthew J. Dooley
Commissioner...~~Theodore H. Jenner~~... being
necessarily absent, did not participate
in the disposition of this proceeding.