

**ORIGINAL**

Decision No. 67514

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWARD F. KOEHLER, doing business )  
as VENISE COCKTAILS, )

Complainant, )

vs. )

Case No. 7866

GENERAL TELEPHONE COMPANY OF )  
CALIFORNIA, a corporation, )

Defendant. )

Warren & Adell, by Hirsch Adell, for  
complainant.

A. M. Hart and Donald J. Duckett, by  
Donald J. Duckett, for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 340 South Glendora Avenue, West Covina, California. Interim restoration was ordered pending further order (Decision No. 67008, dated March 31, 1964).

Defendant's answer alleges that on or about March 10, 1964, it had reasonable cause to believe that service to Venise Cocktails under numbers ED 19193 and ED 95740 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 June 3, 1964.

By letter of March 10, 1964, the Sheriff of the County of Los Angeles advised defendant that the telephones under numbers ED 19193 and ED 95740 were being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1). Defendant notified the subscriber of disconnection (Exhibit 2).

Complainant testified that a telephone is essential to the operation of his business of a cocktail lounge and restaurant where he has three phones, and a pay phone for the customers. One of the extensions is in his office, one at the bar, and another in the kitchen. The telephone is used for reservations, ordering supplies and for emergencies.

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

There was no appearance by or testimony from 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.

O R D E R

IT IS ORDERED that Decision No. 67008, dated March 31, 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 14th day of July, 1964.

Fredrick B. Halaloff  
President

George E. Grover

William B. Bunnell

Commissioners

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