

ORIGINALDecision No. 71842

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Roger F. Bernhardt

Complainant,

vs.

THE PACIFIC TELEPHONE,
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 8504
Case No. 8505

Roger Francis Bernhardt, in propria
persona.
Lawler, Felix & Hall, by Richard L.
Fruin, Jr., for defendant.
Bruce Randall, Sergeant of Police
Department of Torrance, for
Walter R. Koenig, Chief of Police,
City of Torrance, interested party.

O P I N I O N

Complainant in each complaint, Case No. 8504 and Case No. 8505, seeks restoration of telephone service at 16502 Crenshaw Boulevard, Torrance, California. Interim restoration was ordered pending further order (Decision No. 71204, dated August 23, 1966, and Decision No. 71202, dated August 23, 1966). Case No. 8504 and Case No. 8505 are consolidated for hearing and decision.

Defendant's answers allege that on or about July 11, 1966, it had reasonable cause to believe that service to G. Roger Bernhardt and Jannette R. Bernhardt, under numbers 329-9988 and 327-7258 were being or were to be used as instrumentalities

directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect the service.

The parties in both Cases Nos. 8504 and 8505 are the same as are the witnesses, and the address where the telephones are located, but a different telephone is described in each complaint.

The matters were consolidated for hearing and decision and were heard and submitted before Examiner DeWolf at Los Angeles on November 9, 1966.

By letter of July 6, 1966, the Chief of Police of the City of Torrance advised defendant that the telephones under numbers 327-7258 and Davis 9-9988 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).

Complainant testified that he is owner and operator of a cocktail lounge at the above address, that telephone service is necessary to properly conduct this business and for the convenience of customers, that he has no knowledge of any unlawful use of these telephones, and that he did not and will not use the telephone for any unlawful purpose.

A police officer 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 Decisions Nos. 71202 and 71204, each dated August 23, 1966, temporarily restoring service to complainant, are 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 17th day of JANUARY, 1967.

[Signature]
President

[Signature]

[Signature]

Commissioners