

Decision No. 47059**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HIAK HAROOTUNIAN,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 5359

Hiak Harootunian, in propria persona. Pillsbury,  
Madison & Sutro, by John A. Sutro, and Lawler, Felix & Hall, by  
L. E. Conant, for The Pacific Telephone and Telegraph Company,  
defendant.

O P I N I O N

The complaint alleges that Hiak Harootunian, residing and maintaining a business at 3819 Tweedy Boulevard in the City of South Gate, California, on or about May 1, 1950, and again on December 6, 1951, made demands of The Pacific Telephone and Telegraph Company that the complainant be furnished with telephone service at his place of business and residence, and, further, that the defendant telephone company has refused such demand. On March 19, 1952, the defendant telephone company filed an answer alleging that on or about February 2, 1950, it had reasonable cause to believe that the use made or to be made of the telephone service then being furnished to complainant, under telephone number Lorain 6-0862, at 3819 Tweedy Boulevard,

South Gate, California, was prohibited by law, and that on said date said service was being and was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law, and, further, that on or about February 2, 1950, the defendant telephone company received written notice from an official charged with the enforcement of the law, stating that such service was being used as an instrumentality to violate or to aid and abet the violation of the law, and requesting that defendant disconnect said service. Whereupon, defendant, having such reasonable cause, was required to and did disconnect and discontinue the service pursuant to an order of the Public Utilities Commission of the State of California in Decision No. 41145, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles on April 17, 1952, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

The complainant presented testimony, which was confirmed by the testimony of a Deputy Sheriff of Los Angeles County, that on February 1, 1950, officers of the Sheriff's Department came to his place of business and arrested him on charges of bookmaking, at the same time taking out the telephone. Subsequently, on April 17 and 19, 1950, he was tried for bookmaking, was found guilty by the jury, and on May 10, 1950, was sentenced by being fined \$200 and being placed on probation for three years.

The complainant also testified that he has a need for telephone service in the conduct of his business which is the

operation of a liquor store at 3819 Tweedy Boulevard in South Gate. He also testified that on December 5, 1951, he was advised by the Probation Officer of the County of Los Angeles that, as of November 28, 1951, the probation was terminated and the case was dismissed. He further stated that he had not been engaged in the bookmaking business since his arrest in February 1950, and that he did not intend to engage in that activity in the future.

The Supervising Special Agent of the defendant telephone company testified that, under date of February 2, 1950, the telephone company received a letter from the Sheriff's Office requesting that complainant's telephone service be disconnected, and resultantly the telephone service was disconnected on February 8, 1950. Exhibit No. 1 is a copy of this letter.

Upon this record we find that the telephone company exercised due care in taking the action it did, and we further find this action was based upon reasonable cause as such term is used in Decision No. 41415, supra. We further find that the complainant is now entitled to telephone service on the same basis as any other similar subscriber, inasmuch as he has served his sentence for any violation of the Penal Code which he committed, and there is now no indication that he will in the future use telephone facilities in an unlawful manner.

O R D E R

The complaint of Hiak Harootunian 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 the defendant The Pacific Telephone and Telegraph Company consider an application for telephone service from the complainant herein on the same basis as the application of any new subscriber.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of April, 1952.

R. J. [Signature]  
President

Harold P. Hulse

Kenneth P. [Signature]

John E. [Signature]

Commissioners

Commissioner Justus E. Graemer, being necessarily absent, did not participate in the disposition of this proceeding.