

ORIGINAL

Decision No. 47649

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELIAS L. NASIF,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND TELE-
 GRAPH COMPANY, a corporation,
 Defendant.

Case No. 5389

Pillsbury, Madison & Sutro, by John A. Sutro,
and Lawler, Felix & Hall, by John H. Harriman, for
defendant.

O P I N I O N

The complaint alleges that Elias L. Nasif was a sub-
 scriber and user of telephone service under number AXminister
 1-5114, at 3826-3828 West Slauson Avenue, Los Angeles, Cali-
 fornia and that during the month of January 1950 these
 telephone facilities were disconnected as a result of a
 request of the Sheriff of Los Angeles County. The complaint
 further alleges that Mr. Nasif did not use and does not now
 intend to use these telephone facilities for any unlawful
 purpose and that the telephone company has refused to
 restore service even though demand has been made upon it to
 do so. As a result, complainant contends he has suffered and
 will suffer irreparable injury and great hardship. Under date

of July 1, 1952, by Decision No. 47428, in Case No. 5389, this Commission issued an order granting temporary interim relief, directing the telephone company to restore the above-described telephone service pending a hearing on the complaint.

The telephone company filed an answer on July 11, 1952, the principal allegations of which were that the telephone company had reasonable cause to believe that the telephone facilities in question were being used to violate the law, and that, accordingly, the telephone company disconnected and discontinued the telephone service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

Public hearing was held in Los Angeles on August 19, 1952, before Examiner Syphers. At the hearing no one appeared for complainant and, accordingly, the hearing was called and adjourned for a period of thirty minutes. Thereafter the hearing was again called and there was no appearance for complainant. The record shows that notice of hearing was mailed to complainant and to the defendant telephone company.

At the hearing the supervising special agent of The Pacific Telephone and Telegraph Company testified that the telephone company had received a letter from the Los Angeles County Sheriff's Office, advising that the telephone facilities in question were being used for an unlawful purpose and requesting that they be disconnected. Resultantly, these facilities were disconnected effective January 9, 1951. They were reconnected in conformance with Decision No. 47428, supra.

After a consideration of this matter, we are of the opinion and hereby find that the telephone company had reasonable cause to believe that the use made or to be made of the telephone facilities in question was prohibited by law, inasmuch as the letter from the Sheriff of Los Angeles County of California constitutes such reasonable cause, under the terms of Decision No. 44415, supra.

Since this matter arose on a complaint filed by Elias L. Nasif, and since the complainant, after receiving due notice thereof, did not appear at the hearing, the complaint will be dismissed.

O R D E R

The complaint of Elias L. Nasif against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter now being ready for decision, and the Commission being fully advised in the premises and basing its decision upon the evidence of record in this case and the findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service be denied and that the said complaint be and it hereby is dismissed. The temporary interim relief granted by Decision No. 47428,

dated July 1, 1952, on Case No. 5389, is hereby set aside and vacated.

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

Dated at San Francisco, California, this 2nd day of September, 1952.

R. J. [Signature]
 President

Justice F. Cooney

[Signature]

[Signature]

 Commissioners