

ORIGINALDecision No. 48023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELIAS L. NASIF,)

Complainant,)

vs.)

Case No. 5418)

THE PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY, a corporation,)Defendant.)

Elias L. Nasif, in propria persona. Pillsbury,
Madison & Sutro, by John A. Sutro, and Lawler, Felix
& Hall, by L. B. Conant, for defendant.

O P I N I O N

The complaint alleges that Elias L. Nasif was a subscriber and user of telephone service at 3826-3828 West Slauson Avenue, Los Angeles 43, California, under number Axminister 1-5114, and that during the month of January 1950 these telephone facilities were disconnected by defendant telephone company as a result of a request of the Sheriff of Los Angeles County. The complaint further alleges that Elias L. 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. Complainant further alleges he has suffered and will suffer irreparable injury and great hardship.

Under date of October 20, 1952, the telephone company filed an answer, 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 before Examiner Syphers in Los Angeles on November 19 and 24, 1952.

At the hearing on November 19 no one appeared for complainant, and, accordingly, the hearing was called and continued until November 24. The record discloses that a notice of hearing was sent to complainant under date of November 6, 1952. A subsequent letter was sent to complainant on November 19, advising him of the continued hearing. At the continued hearing on November 24 there was no appearance for complainant, whereupon the hearing was called and submitted.

Under date of June 26, 1952, this complainant had filed a previous complaint requesting restoration of telephone service, and alleging substantially the same facts as are alleged in the complaint herein. An order granting temporary interim relief was issued on July 1, 1952, by Decision No. 47438, in Case No. 5389. Subsequently a hearing on the matter was held on August 19, 1952. At that time there was no appearance for complainant, and the matter was submitted. By Decision No. 47649, dated September 2, 1952, in Case No. 5389, the complaint was dismissed.

At the hearing on November 19, 1952, a deputy sheriff of Los Angeles County testified that on January 9, 1951, he and another deputy went to the premises at 3826-3828 West Slauson Avenue, at about 1:25 P.M. in the afternoon. On the premises is a cafe and cocktail lounge which the deputies entered. At a large desk they discovered one Harvey A. Crosby with three telephones, numbers Axminister 1-5114, Axminister 3-8237 and Axminister 3-8238. While the deputies were there the telephones rang on numerous occasions and bets on horse races were recorded. Crosby was arrested and subsequently plead guilty to a charge of bookmaking.

The position of the telephone company was stated in the prior hearing in this matter on August 19, 1952, and was that it had acted with reasonable cause inasmuch as it 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 these facilities be disconnected.

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 constitutes such reasonable cause under the terms of Decision No. 41145, supra. We further find that bookmaking was being conducted over the telephone in question as indicated by the testimony of deputy sheriffs herein.

Upon this record, the complaint will be dismissed.

ORDER

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 complainant's request for restoration of telephone service be denied and the said complaint be, and it hereby is, dismissed.

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

Dated at San Francisco, California, this 9th day of December, 1952.

R. F. Dunning
President

Justus F. Casper

Harold Kula

Samuel D. Dutton

John L. Mitchell
Commissioners