

ORIGINALDecision No. 48024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARVEY T. CURTIS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 5410

Harvey T. Curtis 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 prior to July 10, 1952, complainant was a subscriber and user of telephone service furnished by defendant telephone company under number Logan 5-9278, at his residence at 4833 East Slauson Avenue in Los Angeles, California. On or about July 5, 1952, these telephone facilities were disconnected by the Sheriff's Office of Los Angeles County on charges of bookmaking. Complainant has requested the telephone company to restore the telephone service, but it has refused to do so. The complaint further alleges that the complainant will suffer irreparable damage if deprived of the use of these telephone facilities.

Under date of September 16, 1952, by Decision No. 47691, in Case No. 5410, this Commission issued an order

granting temporary interim relief, directing the telephone company to restore telephone service to complainant pending a hearing on the matter. On September 26, 1952, the telephone company filed an answer, the principal allegation of which was that it had reasonable cause to believe that the use made or to be made of the telephone service furnished to complainant, under number Logan 5-9278, was prohibited by law and that said service was being used or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law.

A public hearing was held in Los Angeles on November 21, 1952, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing the complainant testified that on July 5, 1952, the telephone was disconnected by deputy sheriffs on charges of bookmaking. He further testified that he now has need for a telephone inasmuch as his wife is under a doctor's care and he works nights.

Two deputy sheriffs of Los Angeles County and a policewoman from the Maywood Police Department testified that on July 5, 1952, they entered the premises at 4833 East Slauson Avenue, the residence of complainant, and found there a telephone on a desk in the dining room. The complainant was sitting by the desk, and his wife was in the next room. While there the telephone rang several times and bets were recorded.

The position of the telephone company was that it had acted upon reasonable cause in refusing service to complainant,

and in support thereof introduced in evidence Exhibit No. 1, which is a copy of a letter dated July 7, 1952, from the Sheriff of Los Angeles County to the telephone company, requesting that the telephone facilities here in question be disconnected.

After consideration of this record we now find that the telephone company acted with reasonable cause, as such term is used in Decision No. 41115, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853). We further find that bookmaking activities were being conducted at 4833 East Slauson Avenue in Maywood, California, and that telephone number Logan 5-9278 was used for this purpose, as disclosed by the testimony of the police officers who recorded the bets.

O R D E R

The complaint of Harvey T. Curtis 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. 47691, dated September 11, 1952, in Case No. 5410, is hereby set aside and vacated.

IT IS FURTHER ORDERED that, upon the expiration of sixty (60) days after the effective date of this order, The Pacific Telephone and Telegraph Company may consider an application for telephone service from the complainant herein, on the same basis as the application of any similar new subscriber.

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.

A. F. Davidson
President
Justin J. Casper
Harold Huls
Timothy J. Potts
Robert L. Marshall
Commissioners