

**ORIGINAL**Decision No. 48525

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JESSE GREENSTEIN, )

Complainant, )

vs. )

Case No. 5430 )

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

Defendant. )

Jesse Greenstein, by Mrs. Jesse Greenstein,  
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 Jesse Greenstein, residing at 8323 Third Avenue, Inglewood 4, California, prior to August 3, 1951, was a subscriber and user of telephone service furnished by defendant company under number Pleasant 1-9026. On or about August 3, 1951, these telephone facilities were disconnected by representatives of the Los Angeles County Sheriff's Office on charges of bookmaking. The complaint further alleges that complainant has made a demand upon the defendant company to have the said telephone facilities restored and, further, that the defendant telephone company has refused such demand.

Under date of December 29, 1952, defendant filed an answer alleging that on or about August 14, 1951, it had reasonable cause to believe that the use made or to be made of the telephone facilities in question was prohibited by law and that defendant, having such reasonable cause, was required to and did disconnect the said facilities pursuant to Decision No. 41115, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles on April 15, 1953, before Examiner Syphers at which time evidence was adduced and the matter submitted.

At the hearing the wife of complainant testified that the telephone facilities in question had been removed by deputy sheriffs of Los Angeles County on or about August 3, 1951, and that her husband had been arrested for bookmaking. Subsequently, Jesse Greenstein was tried for bookmaking and on December 1, 1951, was found guilty and fined \$500 and placed on probation for five years. She further testified that she now needs a telephone for personal and home use and, in particular, since her six-year old son is under doctors' care. The residence is occupied by Jesse Greenstein, his wife and two children. She further testified that there was no intention of using the facilities for bookmaking or any other unlawful purpose.

Testimony was presented by a deputy sheriff of Los Angeles County, who testified that on August 4, 1951, he, accompanied by two other deputies and a police officer of the City of Inglewood, entered the premises at 8323 Third Avenue in Inglewood and discovered two telephones having numbers Pleasant 1-9026 and Pleasant 1-4431. Mr. and Mrs. Greenstein and their

two children were present in the home. The officers made a search and found betting markers and a scratch sheet. While they were there the telephones rang on numerous occasions and the officers recorded bets over them. At that time the telephones were removed and Jesse E. Greenstein was arrested.

The supervising special agent of The Pacific Telephone and Telegraph Company presented Exhibit No. 1 which is a letter from the Los Angeles County Sheriff's office to the telephone company, dated August 7, 1951, requesting that the telephone facilities in question be disconnected. The position of the telephone company was that it had disconnected service pursuant to this request and, accordingly, had acted upon reasonable cause in accordance with Decision No. 41415, supra.

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

O R D E R

The complaint of Jesse E. Greenstein 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 upon the evidence of record and the findings herein,

IT IS ORDERED that 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 days after the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of April, 1953.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners