

**ORIGINAL**

Decision No. 61335

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MANUEL CARMONA,

Complainant,

vs.

Case No. 6985

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Minsky, Garber & Rudof, by Albert C. Garber,  
for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for the defendant.  
Roger Arnebergh, City Attorney, by Bernard  
Patrusky, Deputy City Attorney, for the  
Los Angeles Police Department, intervenor.

O P I N I O N

By the complaint, filed on October 3, 1960, Manuel Carmona requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to install telephone service at his place of business at 3201 East Fourth Street, Los Angeles, California.

On October 20, 1960, the telephone company filed an answer, the principal allegation of which was that the telephone company, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), on or about March 15, 1960, had reasonable cause to believe that the telephone service furnished to Manuel Carmona under number Angelus 8-5077 at 3484 East First Street, Los Angeles, California, was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the

violation of the law and that having such reasonable cause the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, supra. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on November 28, 1960, before Examiner Robert D. De Wolf.

The Police Department of Los Angeles appeared by the City Attorney of Los Angeles and asked leave to intervene. No evidence was offered by intervenor, but the City Attorney did cross-examine the complainant.

Manuel Carmona, the complainant, testified that he was not booked or charged with any offense in connection with the use of the disconnected telephone and that a telephone is absolutely essential to the conduct of the complainant's business. That he was not involved in any bookmaking activities and had no knowledge of the activities of Mrs. Dolores Carmona, his wife.

Exhibit No. 1 is a letter dated March 13, 1960, from the Police Department of Los Angeles to the defendant advising that the telephone furnished to Manuel Carmona under number Angelus 8-5077 at 5484 East First Street, Los Angeles, California, was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. That pursuant thereto a central office disconnection was effected.

After full consideration of this record the Commission finds and concludes that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra, and we further find that the evidence fails to show that the

complainant's telephone was used for any illegal purpose, and that therefore the complainant is entitled to restoration of telephone service.

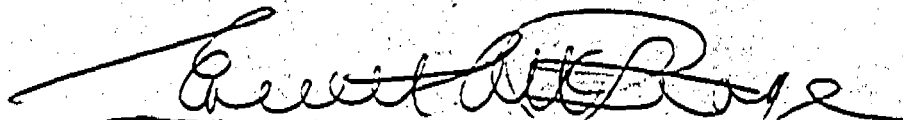
O R D E R

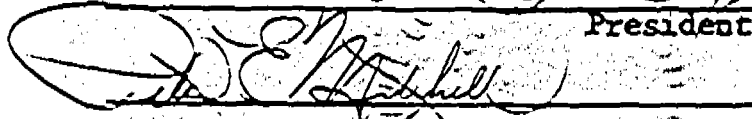
The complaint of Manuel Carmona against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,

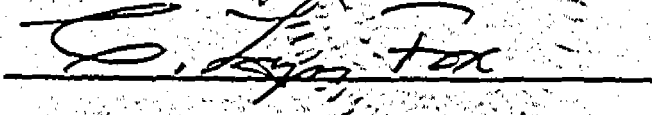
IT IS ORDERED that complainant's request for telephone service is granted and that upon the filing by the complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's place of business at 3201 East Fourth Street, Los Angeles, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of JANUARY, 1961.

  
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President

  
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Commissioners