

ORIGINAL

Decision No. 59588

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LOUIS GAROY; LILLER GAROY,

Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 6388

Louis Garoy, for complainants.

Lawler, Felix & Hall, by David A. Workman, for  
defendant.

O P I N I O N

By the complaint herein, filed on November 23, 1959, Louis Garoy and Liller Garoy request that telephone service formerly furnished to Liller Garoy by the defendant at 922 East 43d Street, Los Angeles, California, be ordered restored.

On December 8, 1959, by Decision No. 59365, in Case No. 6388, the Commission ordered that the telephone service be restored to complainants pending a hearing on the complaint herein.

On December 18, 1959, 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 September 11, 1959, had reasonable cause to believe that telephone service furnished to Liller Garoy under number ADams 1-8527 at 922 East 43d 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.

A public hearing was held on December 29, 1959, in Los Angeles, before Examiner Kent C. Rogers.

Louis Garoy testified that he and Liller Garoy are husband and wife and reside at 922 East 43d Street, Los Angeles, California; that on or about September 9, 1959, he, Liller Garoy, and a man named Floyd Tonkins were present at the home and the police arrested Floyd Tonkins and removed the telephone; that neither he nor Liller Garoy has ever permitted the telephone to be used for illegal purposes; that they will not permit it to be so used in the future; that the telephone is necessary; and that they desire that it be reinstalled.

No evidence was presented by the arresting officers.

Exhibit No. 1 is a letter from the commander of the Vice Detail of the Los Angeles Police Department to the defendant advising the defendant that on or about September 5, 1959, Liller Garoy's telephone under number ADams 1-8527 at 922 East 43d Street, Los Angeles, was being used for the purpose of disseminating horse racing information which was being used in connection with book-making in violation of Section 337a of the Penal Code; that the telephone had been removed; and requesting that the defendant disconnect the service. The defendant's witness testified that this

letter was received on September 11, 1959; that a central office disconnection was effected pursuant thereto on September 16, 1959; and that the service was reconnected on December 14, 1959 pursuant to this Commission's Decision No. 59365, supra. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415, supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After full consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra. We further find that the evidence fails to show that Liller Garoy's telephone was used as an instrumentality to violate or to aid and abet the violation of the law and that therefore the telephone service should be reconnected.

O R D E R

The complaint of Louis Garoy and Liller Garoy 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 of record,

IT IS ORDERED that the order of the Commission in Decision No. 59365, dated December 8, 1959, in Case No. 6388, temporarily restoring telephone service to Liller Garoy, be made permanent,

such restoration 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 twenty days after the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of FEBRUARY, 1960.

Eugene B. Loya  
President  
John E. Smith  
Michael D. Ash  
E. W. Fox  
Theodore H. Jensen  
Commissioners