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Decision No. 55361

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VIDEO METER, INC., a corporation, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, Defendant.	)	Case No. 5865

Stanley A. Bergman, for complainant;
Pillsbury, Madison & Sutro and A. T. George by D. C. Tight and C. B. Renfrew for defendant;
James F. Haley for the Commission staff.

O P I N I O N

The above-entitled complaint was filed on December 26, 1956. Defendant's answer was filed on March 18, 1957.

Complainant seeks an order requiring repayment of the sum of $1,056 to Video Meter, Inc., by The Pacific Telephone and Telegraph Company, complainant alleging in substance that advertising matter carried in the yellow pages of the September, 1955, issue of the San Francisco Telephone Directory, such advertisement being under the name of Video Meter, Inc., was properly the advertisement of another corporation, Hines Meter, Inc., and not that of complainant. Complainant further alleges that the contract for advertising was signed not by an officer of complainant but by an officer of Hines Meter, Inc.

Defendant, by its answer, denies all of the allegations of complainant and alleges that the contract was signed by an officer of complainant, that said person signed the contract on behalf of and in the presence and with the authority of the president of complainant,

and that the contract was duly ratified by complainant.

Upon the issues thus joined, hearing was had before Examiner F. Everett Emerson on April 23 and 24, 1957, at San Francisco. The matter was submitted, after oral argument, on the latter date.

The record in this matter has been given the most careful study and the respective arguments have received painstaking attention. Such record and argument, in our opinion, compels the conclusion that complainant is legally responsible for the advertising charges, having authorized and ratified, and having taken the benefit of the advertising. It follows, therefore, and the Commission so finds that complainant has failed to sustain the allegations of the complaint. The complaint will be dismissed.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that the complaint in Case No. 5865 is dismissed.

Dated at San Francisco, California, this 5th day of August, 1957.

President

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.