

**ORIGINAL**

Decision No. 71820

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE HERTZ CORPORATION, a Delaware corporation,  
Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH,  
Defendant.

Case No. 8493

Frank W. Doherty, for complainant.  
Lawler, Felix & Hall, by Richard L. Fruin, Jr., for defendant.  
Roger Arnebergh, City Attorney, by Charles E. Mattson, for the Police Department of the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 200 West Seventh Street, San Pedro, California. Interim restoration was ordered pending further order (Decision No. 71093, dated August 9, 1966).

Defendant's answer alleges that on or about July 27, 1966, it had reasonable cause to believe that service to Hertz Rent-A-Car, under number 832-7066, was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and that defendant was required to disconnect the service.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on November 4, 1966.

By letter of July 26, 1966, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 832-7066 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

J. Howard Burns, on behalf of complainant, testified that telephone service is needed for operation of the company's office in San Pedro and that he had no knowledge of any unlawful use of the telephone.

Anthony Barone testified that he is complainant's office manager; that he has a key for the telephone and keeps it locked but that once his son allowed another person to use the telephone without his permission.

The witnesses further testified that neither of them had any knowledge of unlawful use of the telephone and they have great need for telephone service, and they did not and will not use the telephone or permit its use for any unlawful purpose.

A deputy city attorney appeared and cross-examined the witnesses, but no testimony was offered on behalf of any law enforcement agency.

We find that the evidence fails to show that the telephone was used for any illegal purpose.

Complainant is entitled to restoration of service.


O R D E R

IT IS ORDERED that Decision No. 71093, dated August 9, 1966, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of JANUARY, 1967.

  
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President

  
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Commissioners