

Decision No. 12444

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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THE CITY OF SAN DIEGO,
a municipal corporation,
JOHN TAYLOR KEAN, et al,

Complainant,

- vs -

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a cor-
poration,

Defendant.

Case No. 1919.

ORIGINAL

BY THE COMMISSION:

ORDER DISMISSING COMPLAINT

WHEREAS the City of San Diego, John Taylor Kean, et al,
have made complaint to this Commission alleging that the rates
and charges of the defendant, The Pacific Telephone and Tele-
graph Company, are unjust, unreasonable and arbitrary, and

WHEREAS this complaint is made principally in behalf of
subscribers to telephone service in the suburbs of LaJolla and
Pacific Beach who object to the toll charges now in effect
between those points and other points in the City of San Diego,
and

WHEREAS this matter was fully considered in formal hear-
ings in applications Nos. 1670, 1677 and 1678 in which proceed-
ings the Railroad Commission made its decision No. 11716 dated
February 27, 1923 and in its opinion in that decision said

As to the claim urged by complainants
that a community interest exists between these
various communities justifying and requiring
the restoration of free switching: It is true

in this case that the various communities within the territory adjacent to the City of San Diego do transact a considerable amount of business with the City of San Diego and that said communities have more or less interest in the social and other affairs of San Diego. These facts are not unusual in this case, nor do they appear to be any different in this respect to similar conditions and relations existing between all large centers of population and the communities surrounding them. As to these interests being sufficient, however, to justify and require free interexchange switching, the testimony of witnesses shows clearly to the contrary as to Chula Vista, Coronado, El Cajon, La Jolla and National City. Not only is this true, but it is admitted by various witnesses appearing for the cities of San Diego, Chula Vista, Coronado and National City that one of the chief objections to the payment of toll charges is its tendency to divert business to other cities. As to Pacific Beach, the evidence shows that this community is largely a suburban residence section of the City of San Diego, largely dependent on that city in its business, social and other interests. It is one of the two communities involved in which the free switching with San Diego was not discontinued during the period of Federal control. Its monthly rates, however, are very much lower than those in effect in San Diego and they are also somewhat lower than the rates which were made effective during Federal control at other exchanges where the free switching privilege has been discontinued. Pacific Beach is, therefore, in a similar situation with El Cajon as to the matter of discriminatory rates. To avoid this discrimination, its monthly rates should be adjusted to conform with those effective in San Diego or free switching should be discontinued and the monthly rates made to conform with those of other communities for similar service."

and ordered

"IT IS HEREBY ORDERED that defendant, The Pacific Telephone and Telegraph Company, shall on or before March 21, 1923, place in effect for interexchange service between the Cities of San Diego, El Cajon and Pacific Beach the standard toll rates now in effect between other exchanges and toll points in San Diego County for similar service as those rates are now on file with the Railroad Commission and shall continue the same in effect until or unless changed by further order of this Commission.

AND IT IS HEREBY FURTHER ORDERED that on and after April 1, 1923, defendant, The Pacific Telephone and Telegraph Company, shall make effective and shall continue in effect until or unless changed by further order of this Commission, the

schedules of rates for local exchange service heretofore filed with the Railroad Commission and as authorized by the Postmaster General of the United States during the period of Federal control and operation of defendant's system but not heretofore made effective, for local exchange service within the cities of El Cajon and Pacific Beach," and

WHEREAS no good cause appearing for again considering this matter in formal hearing

IT IS HEREBY ORDERED that the complaints herein be and they are hereby dismissed.

Dated at San Francisco, California, this 24
day of August, 1923.

C. A. Seavey
H. B. Brown

Irving Mattson
Eugene Shore

J. T. Whittier
Commissioners.