

Decision No. 12865-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application  
of the Postal Telegraph-Cable Com-  
pany for authority to open a tele-  
graph office at Santa Ana, California.

Application No. 7610.

W. W. Morrison, for applicant.

E. C. Vanderbilt, for the Western Union  
Telegraph Company.

BY THE COMMISSION:

O P I N I O N

Postal Telegraph-Cable Company in this proceeding requests the Railroad Commission for an order declaring that public convenience and necessity require the establishment by it of a telegraph office in the City of Santa Ana. A public hearing in the matter was held in Santa Ana on April 13, 1922, before Examiner Williams.

Santa Ana is situated in a large fruitgrowing and farming section and during the fruit season particularly makes extensive use of telegraph service. It is petitioner's belief, as expressed by its district superintendent, as well as the belief of witnesses who testified for petitioner, and of others who have addressed written communications to petitioner that the demand for service is sufficient to justify the establishment of an additional telegraph office to be operated by petitioner.

The Western Union Telegraph Company has maintained service in Santa Ana continuously for many years and although it does not now oppose the entrance of the Postal Telegraph-

Cable Company into this territory it urges that its own service is now adequate and claims that there is not now a necessity for the establishment of an additional telegraph office by petitioner.

Postal Telegraph-Cable Company operates a system not only in California, but generally throughout the United States. The opening of an office in the City of Santa Ana will allow subscribers to the service of the Postal Company in Santa Ana access to applicant's system and also the subscribers of the Postal's system access to Santa Ana and the opening of this office, as requested, appears to be in the interest of better service to the patrons of applicant's service. It appears, therefore, that public convenience and necessity require applicant to establish a telegraph office in Santa Ana.

#### O R D E R

Application having been filed by Postal Telegraph-Cable Company for authority to open a telegraph office at Santa Ana, California, a public hearing having been held, and it appearing to the Commission that public convenience and necessity require its establishment,

The Railroad Commission hereby declares that public convenience and necessity require Postal Telegraph-Cable Company to establish telegraph office in the City of Santa Ana for the transaction of general telegraph business, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Postal Telegraph-Cable Company for the opening and operation of a telegraph station in the City of Santa Ana.

The authority herein granted is based upon the following conditions and not otherwise:

1. Postal Telegraph-Cable Company shall file with this Commission a certified copy of any franchise which has been or may hereafter be granted it for the carrying on of telegraph business in the City of Santa Ana on or before December 15, 1923, or within fifteen (15) days after the same is granted to it.
2. Postal Telegraph-Cable Company shall file a stipulation in satisfactory form with this Commission to the effect that its successors or its assigns will never claim before the Railroad Commission, any court or other public body a value for any franchise which it may now have or may hereafter obtain for the operation of an office in Santa Ana in excess of the amount which it has paid or may pay for the same, on or before December 15, 1923, or within fifteen (15) days from the date any such amount is paid by it.
3. That Postal Telegraph-Cable Company shall have opened a telegraph office in the City of Santa Ana within a period of ninety (90) days from the date of this order.
4. Postal Telegraph-Cable Company shall notify this Commission within five (5) days after the date telegraph office is opened in the City of Santa Ana.

Dated at San Francisco, California, this 26<sup>th</sup> day of November, 1923.

C. Leary  
H. B. Bondage  
Egerton Shore

Commissioners.