

Decision No. 13798.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

V. V. TUBBS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELE-
GRAPH COMPANY, a corporation,

Defendant.

ORIGINAL

Case No. 1984

BY THE COMMISSION:

Scarborough, Fergy & Reinhaus, by
S.M. Reinhaus, for complainant.
E. S. Morro for defendant.

O P I N I O N

In this proceeding, complainant requests that this Commission require The Pacific Telephone and Telegraph Company to move the boundary line between the Santa Ana and Tustin Exchange Areas approximately three-quarters of a mile to the east and to add the territory between the present and this proposed boundary to the Santa Ana Exchange Area. A hearing was held in this matter before Examiner Satterwhite, in the town of Tustin on July 1, 1924.

Within this territory, involved in this proceeding, there are, at the present time, some twenty subscribers, most of whom are receiving service from the Tustin Exchange Office, and others from the Santa Ana Exchange Office.

Evidence was submitted at the hearing which shows that the present Santa Ana subscribers and prospective telephone subscribers within this territory desire Santa Ana service, and that those now receiving service from the Tustin Exchange, with the exception

of Mr. W. S. Stanley and Mr. I. L. Marchant, desire to discontinue Tustin service if Santa Ana service can be obtained. These two Tustin subscribers did not appear at the hearing, but did, in connection with an informal complaint No. 26925, file with this Commission on November 14 and 15, 1923, letters objecting to being transferred from the Tustin Exchange Area to the Santa Ana Exchange Area. The correspondence in this informal complaint is before this Commission as evidence in this formal proceeding.

This informal complaint, herein referred to, first came to the attention of this Commission on February 13, 1923. On February 26, 1923, a petition was received signed by Mr. V. V. Tubbs, Mr. W. S. Stanley, and eight others, requesting this Commission to establish the area (now involved in this formal complaint) within the Santa Ana Exchange Area. Following informal investigation, the Commission advised that an informal decision would be made in accordance with the desires set forth in this petition, providing, all subscribers in this area would unanimously agree in a common request. Mr. Marchant and the remaining subscribers then submitted a petition requesting Santa Ana service in place of Tustin service. The Commission thereupon informally directed The Pacific Telephone and Telegraph Company to make these changes accordingly; however, before this work could be actually performed by the Telephone Company, objections to this action, in the form of letters, were received from Mr. Stanley and Mr. Marchant. Thereupon, this Commission then directed the Telephone Company to cease the work of changing the service in accordance with its previous direction, and to leave all subscribers as they existed originally, before receipt of the informal complaint. Following this action, the formal complaint in this proceeding was then filed with this Commission.

From the evidence in this proceeding, there appears no objection or any reason why subscribers within this area should not

have Santa Ana service, and if their request is to be granted, this can best be accomplished by relocating the boundary line as complainant requests.

If this procedure be followed, Mr. Stanley and Mr. Marchant will then be in the Santa Ana Exchange Area and will receive Tustin service, which will not only create a discrimination between subscribers, but also, an undesirable condition in which the subscriber receives service from an exchange within which he is not located. Overlapping of territories or services always results in difficulties to both the subscriber and to the utility furnishing service. In order that the difficulties which such a condition will produce will be lessened as far as possible, any overlapping of services now existing within the area herein involved should, at this time, be eliminated.

In view of the foregoing facts, and also the history of the informal complaint No. 26925, it appears that complainant's request should be granted and that the establishment of the new boundary should also contemplate the elimination of all discrimination and overlapping of services.

The Order following will provide that the boundary between the Santa Ana and Tustin Exchange Areas be moved as requested by complainant; that from and after the date of this Order, The Pacific Telephone and Telegraph Company shall furnish, in accordance with its rates, rules and regulations, telephone service from the Santa Ana Exchange Office to all existing subscribers or applicants for service residing within the section to be added to the Santa Ana Exchange Area, as the same may be requested; that The Pacific Telephone and Telegraph Company shall be required to discontinue on August 1, 1924, Tustin service to those subscribers who are now receiving both Santa Ana and Tustin service; that subscribers of Tustin service be given until December 31, 1924, to voluntarily discontinue that service; and that The Pacific Telephone and Telegraph Company be required to discontinue Tustin service to any subscriber within the area to be added to the Santa Ana Exchange, who may be receiving the same on January 1, 1925.

O R D E R

V. V. Tubbs, complainant, having requested this Commission for an Order requiring The Pacific Telephone and Telegraph Company to move the boundary line between the Santa Ana and Tustin Exchange Areas approximately three-quarters of a mile to the east of the present boundary line, and to add the territory between the present and proposed boundary to the Santa Ana Exchange Area; a public hearing having been held; the Railroad Commission having fully considered all evidence in this proceeding; and the matter now being ready for decision,

THE COMMISSION HEREBY FINDS AS A FACT that complainant's request is a reasonable request and that the boundary line between the Santa Ana and Tustin Exchange Areas should be relocated in accordance with complainant's request.

IT IS HEREBY ORDERED that The Pacific Telephone and Telegraph Company,

1. Re-establish the boundary between the Santa Ana and Tustin Exchange Areas, as follows:

Commencing at a point on the present boundary between the Santa Ana and Tustin Exchange Areas, ~~which~~ located between Tustin Street (Glen Street) and Yorba Street, approximately seven hundred (700) feet south of Seventeenth Street; thence in a southerly direction along a line parallel to Tustin Street (Glen Street), and located midway between Tustin Street (Glen Street) and Yorba Street, to the intersection of the center line of First Street; thence in a southerly direction along the extension of a line parallel to Tustin Street (Glen Street), and located midway between Tustin Street (Glen Street) and Yorba Street, to the intersection of the center line of Newport Road; thence in a southeasterly direction along a line at right-angles to Newport Road for a distance of five hundred (500) feet; thence in a southwesterly direction along a line parallel to Newport Road to the intersection of the present easterly boundary of the Santa Ana Exchange Area.

2. Furnish telephone service from the Santa Ana Exchange Office, in accordance with its rates, rules, and regulations, to all subscribers or applicants who may request telephone service within this area herein added to the Santa Ana Exchange Area.
3. Discontinue on August 1, 1924, Tustin service to those subscribers, within the area herein added to the Santa Ana Exchange Area, who may be receiving service from both the Tustin and Santa Ana Exchange Offices.
4. Notify each subscriber within this area herein added to the Santa Ana Exchange Area and receiving service from the Tustin Exchange, that he has until December 31, 1924, to discontinue that service, and that telephone service from the Santa Ana Exchange Office is available.
5. Discontinue telephone service from the Tustin Exchange Office to any subscriber located within the territory herein added to the Santa Ana Exchange Area, who may be receiving that service on January 1, 1925.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th day of July, 1924.

CL Seaver
H. T. Brundage
Dwight Martin

Commissioners.