

ORIGINAL

Decision No. 15824.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Investigation
on the Commission's own motion of
the reasonableness of the rates,
rules, regulations, practices and
services of the WESTERN UNION TELE-
GRAPH COMPANY as same apply to its
Time Service.

Case No. 2142.

Beverly L. Hodghead, for the Western Union
Telegraph Company.

Devlin & Brookman, by Douglas Brookman,
for the California Independent
Telephone Association, Intervenor.

SQUIRES, COMMISSIONER:

O P I N I O N

This is a proceeding instituted by the Commission for the purpose of investigating the reasonableness of the rates, rules, regulations, practices and services of the Western Union Telegraph Company as the same may apply to time service as furnished by it. A question has arisen as to whether or not this so-called time service now being furnished by the Western Union Telegraph Company to its subscribers throughout the state is a public utility service under the jurisdiction of this Commission, and this decision deals particularly with this question. A pub-

lic hearing was held in this matter in San Francisco on October 2, 1925, at which time and place this matter was heard and submitted in so far as the question of jurisdiction is involved.

Time service as furnished by the Western Union Telegraph Company to its subscribers consists of furnishing a mechanical clock installed and maintained on the subscribers' premises by the Western Union Company at its expense for the purpose of furnishing local time. In order that the subscribers' clocks may be kept running as accurately as is reasonably possible, the Western Union Company has connected all such clocks in any one particular community to an electrical circuit which in turn is connected to a local master clock in its own office of that or a nearby community, which master clock causes to be transmitted a signal to each clock once each hour, which signal automatically adjusts each clock if it be in error.

At the present time the Western Union Telegraph Company furnishes time service in 89 of the larger cities throughout the State of California. In each of these communities where time service is furnished, the Western Union Telegraph Company has in operation a local master clock to which are connected the various subscribers' clocks of that community. The clock located on the subscriber's premises is a self-contained clock and is operated by means of a mechanism within the clock itself. The local master clocks located in the various communities are so arranged with a mechanism that an electric circuit is momentarily closed once each hour and on the hour, resulting in a telegraphic dot or signal, which signal is transmitted to each subscriber's clock and by means of an electrical and mechanical apparatus within the subscriber's clock adjusts that clock to the same time as the local master clock, providing however that

the subscriber's clock is not more than 3 minutes fast or slow. If the subscriber's clock is more than 3 minutes fast or slow at the time the adjusting signal is transmitted, then the adjusting apparatus fails to operate, in which case adjustment can only be made by a manual or physical resetting of the clock.

The United States Government maintains at Washington, D.C., a very accurate time-piece similar to the local master clock maintained by the Western Union Telegraph Company in its various offices throughout the state and elsewhere. This clock at Washington is continually checked and kept in adjustment with a high degree of precision through comparison with stellar and solar observations made at the United States Naval Observatory. This clock is arranged with a mechanism so that at a specific time (once each day at 12 o'clock noon, Eastern standard time) signals may be transmitted indicating this time. The Western Union Company receives these signals from the Naval Observatory, and in turn transmits them over its own circuits to its various offices throughout the country. The Western Union Telegraph Company has arranged for the transmission of these signals from the government in order that it may have some means for checking the accuracy of its own master clocks. The accuracy of the local time as indicated by the local master clock is determined by placing two ordinary telegraph sounders in the same proximity, one connected to the local master clock and the other to the circuit connected to the Naval Observatory clock, and if these two sounders operate in exact synchronism the local master clock indicates the correct time. If the two sounders do not operate in unison, then adjustment is made by manually accelerating or retarding the operation of the local master clock until the sounders do click or operate in exact synchronism. At the present time this operation is performed by the Company once each day.

Neither the local master clocks nor the circuits connecting them to the subscribers' clocks are either electrically or manually connected in any way to the circuit over which the Western Union Company receives time signals from the Naval Observatory. Up until June 9, 1925, the Western Union Company was receiving time signals in California from the Mare Island Government Station instead of Washington, D. C. On this date the receiving of the time signals from Mare Island was discontinued, and subsequent thereto they have been received, as heretofore described, from Washington.

While it appears that the local subscriber is desirous of obtaining information as to the correct local time, and while he does so over a local circuit maintained by the Telegraph Company, nevertheless in effect he obtains his information as a result of service performed outside of this state and the message which he receives is advertised to be and in my opinion is a message falling within the definition of interstate commerce. Whatever might have been the case prior to June 9, 1925, it is clear that as to the present time clock service rendered by the Western Union Telegraph Company our decision must be determined by the decision of the United States Supreme Court in the case of Western Union Telegraph Company v. Foster, 247 U. S., 105, 62 L. ed. 1006. While there are certain differences between the operation of the ticker service therein described, and the service here in question, I am of the opinion that these differences are not sufficient to obviate the necessity of this Commission following the rule there laid down. It is, therefore, evident that this Commission possesses no jurisdiction over this interstate service, and an order must be entered dismissing this proceeding.

O R D E R

The Railroad Commission of the State of California having instituted upon its own motion an investigation to determine whether the rates, rules, regulations, practices and services, or any of them, of the Western Union Telegraph Company as the same may apply to its time service are unjust, unreasonable, discriminatory or preferential in any particular, and to determine just, reasonable and sufficient rates, rules, regulations, practices and services to be observed and enforced by the Western Union Telegraph Company in connection with its time service, and also to determine if this service is a utility service subject to the jurisdiction of this Commission; a public hearing having been held, and the matter in so far as it relates to the question of jurisdiction having been submitted,

The Railroad Commission of the State of California hereby finds as a fact that the time service above mentioned, now furnished by the Western Union Telegraph Company is not a public utility service, subject to the jurisdiction of this Commission, and, therefore,

IT IS HEREBY ORDERED that this proceeding be and the same is hereby dismissed.

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 31st day of December, 1925.

H. B. Brundage
C. Seary
George D. James
Ernest Wood
Leon Whittell
Commissioners.