

Decision No. 38-80

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of Regulations Governing the Filing with the Railroad Commission of Contracts for Special Services or providing deviations from the filed rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations of pipe line, gas, electrical, telephone, telegraph, water and heat corporations, and of wharfingers and warehousemen as defined in the Public Utilities Act of the State of California (Cal. Stats. 1915, p. 115, as amended).

ORIGINAL

Case No. 2356.

- Thomas J. Reynolds, for Southern California Gas Company, Midway Gas Company, and Affiliated Company...
- James T. Shaw, for Pacific Telephone and Telegraph Company, Northern California Telephone Co., Southern California Telephone Company, Ontario and Upland Telephone Company, Home Telephone and Telegraph Company of Covina, United States Long Distance Telephone Company.
- Ernest Irwin, for California Independent Telephone Association.
- Willard P. Smith, for Postal Telegraph Cable Company.
- L. A. Bailey, for California Warehousemen's Ass'n and Pacific States Cold Storage Warehousemen's Association.
- J. E. Powell, for Outer Harbor Dock & Wharf Company.
- John J. Sharon, for Spring Valley Water Company.
- W. C. McWhinney, for Southern California Edison Company.
- Pillsbury, Madison & Sutro, by N. Korte, for Federal Telegraph Company.
- Fred H. Drake, for San Carlos Water Company and San Geronimo Valley Water Company.
- G. D. Clark, for Hollister Water Company.
- T. F. West, for Rio Vista Telephone and Telegraph Co.
- Ernest Behr, for Great Western Power Company of California.
- J. C. Telles, for Telles Bros. Water Company.
- J. P. Puckett, for Wilmington Transfer & Storage Co.
- C. P. Cutten, for Pacific Gas and Electric Company and Pacific Gas and Electric Company as lessee of Sierra and San Francisco Power Company and California Telephone and Light Company.

C. H. Quandt, in propria persona
Chickering & Gregory, by W. C. Fox, for Santa
Barbara Telephone Company,
Santa Maria Gas Company,
Western Water Company and
Western States Gas and Electric Company.

SEAVEY, Commissioner:

O P I N I O N

This is a matter initiated by the Commission for the purpose of investigating the question of the issuance of a proposed general order.

Public hearings thereon were held before me after due notice to all parties, and it is my opinion that this Commission should now issue a general order in form set forth below to cover, broadly, the methods and practices of the filing by public utilities with this Commission of contracts for special service or services or providing for or placing in effect deviations from filed rates or charges.

I therefore suggest the following form of order:

O R D E R

Formal investigation having been directed by this Commission, public hearings having been held, the matter now being submitted, and the Commission being fully informed in the premises,--

IT IS HEREBY ORDERED that a general order of this Commission in words and figures the following be, and it is hereby directed to be published by the Secretary of this Commission:

GENERAL ORDER NO. 78.

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the establishment of regulations governing the filing with the Railroad Commission of contracts for special services or providing deviations from the filed rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations of pipe line, gas, electrical, telephone, telegraph, water and heat corporations, and of wharfingers and warehousemen as defined in the Public Utilities Act of the State of California (Cal. Stats. 1915, p. 115, as amended).

Approved Oct. 4, 1927 Effective Nov. 3, 1927

IT IS HEREBY ORDERED that from and after the effective date of this order the following regulations shall apply to the filing with this Commission of all contracts for special service or services, or providing for, or placing in effect deviations of any sort or character, whatsoever, from the filed rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations of pipe line, gas, electrical, telephone, telegraph, water and heat corporations, and of wharfingers and warehousemen, as said several terms are defined in the Public Utilities Act of this State (Statutes 1915, page 115, as amended), wherever said contracts are required by said act to be filed with this Commission:

I. Any contract which contains provisions for rates, charges, rules or regulations which result, or will result, directly or indirectly, in an increase or increases in any rates, fares, tolls, rentals or other charges on file with this Commission and in effect shall be submitted to this Commission, together with a formal application requesting authority to enter into said proposed contract and to place in effect said proposed increase or increases, or for such other disposition as may be appropriate in the premises.

II. Any contract as to which, by any rule, regulation, general order or formal decision of this Commission, formal permission or approval is required shall be submitted to this Commission, together with a formal application requesting authority to enter into said proposed contract, or for such other disposition as may be appropriate in the premises.

III. Any contract which contains provisions for rates, charges, rules or regulations which do not and will not result in rates, fares, tolls, rentals or other charges for the service in question greater than those provided in tariffs on file with this Commission and in effect, shall be submitted to this Commission, together with a letter explaining the purpose of said proposed changes in said rates, fares, tolls, rentals or other charges, or any of the same, or in said rules or regulations, and calling attention to the salient features of said contract.

IV. All contract forms which any such public utility requires any patron, consumer or subscriber, or applicant for service to sign in connection with or precedent to service, shall be filed with this Commission in accordance with its General Orders heretofore issued and now or hereafter in effect relating thereto in respect to such classes of public utilities.

V. In all other such cases, present or proposed contracts of the general character herein referred to shall be offered for filing for the general information of this Commission, accompanied by appropriate explanatory notes which shall set forth the purpose of such contracts and call attention to their salient features.

VI. In all cases, the filing or submission for filing, or presentation of contracts of the classes above mentioned shall be subject to such action as this Commission may direct in the exercise of its jurisdiction.

VII. Where not in conflict with the provisions of this Order, the provisions of all general orders of this Commission heretofore issued shall remain in full force and effect.

The effective date of this order shall be thirty (30) days from and after the date hereof.

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 4th
day of October, 1927.

Emmett
Deaney
Leon White
Thos. Powell
M. J. [unclear]
Commissioners.