

Decision No. 20802.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

CITY OF GLENDALE, a Municipal
Corporation,
Complainant.

-vs-

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,
Defendant.

Case No. 2556.

W. Turney Fox, City Attorney, and
Aubrey N. Irwin, Deputy City
Attorney, for Complainant.

James G. Marshall, for Defendant.

Jesse A. Gyger, for Greater Northwest
Improvement Association, interested
party.

BY THE COMMISSION:

O P I N I O N

City of Glendale herein makes complaint that certain territory situated within the corporate limits of the City of Glendale and now receiving exchange telephone service from defendant's Burbank Exchange should be transferred to defendant's Glendale Exchange.

The Pacific Telephone and Telegraph Company duly filed its answer to the complaint denying that said territory should be transferred as demanded.

Hearings upon the issues thus joined were conducted by Examiner Williams at Glendale and the matter was duly submitted

on briefs and is now ready for decision.

Complainant called many witnesses and introduced much testimony in support of its contentions that the people residing in the designated territory were practically unanimous in their desire for Glendale service and that their convenience and necessity required that service.

Defendant submitted evidence to show that the telephone traffic between the area defined in the complaint and the remainder of the Burbank Exchange indicated a substantial community interest between it and the remainder of the Burbank area. Mr. I. F. Dix, General Plant Manager for The Pacific Telephone and Telegraph Company, stated that considerable money would have to be expended in rearranging the outside plant if the territory were transferred as requested.

The Burbank Chamber of Commerce, although an interested party made no appearance at the hearings but wrote a letter to the Commission asking if some plan might be formulated whereby those residents in the area in controversy desiring Glendale service might secure it without being required to have Burbank service also, and that those desiring Burbank service might have that service.

Commission engineers made a field inspection of the territory on each side of the present boundary line now requested to be relocated, reviewed the area on each side of the proposed boundary and studied the general neighborhood to determine where the common exchange boundary line might be located to meet the requirements of the major portion of the public. The cities of Glendale and Burbank are almost continuously built up between their business centers and no satisfactory division of these exchanges could be determined.

Many witnesses from the area in dispute having testified that they had no need for telephone service to other subscribers in the Burbank Exchange Area, it would appear that the combining of the Burbank and Glendale areas into one exchange would not be a solution of complainant's difficulty. Opinion was expressed at a hearing in this proceeding that some residents of the City of Burbank living immediately west of the Burbank-Glendale common municipal boundary would desire Glendale service if it could be had under less rigid requirements than now hold.

The complaint herein is almost identical with one made by the City of Glendale in the year 1925 and which was dismissed in this Commission's Decision No. 15762 in Case No. 2114 on December 16, 1925. This indicates the difficulty of separating a territory according to community interest by an intangible line. Other similar situations have arisen in the past and some are now before this Commission in an informal way. We believe that the transfer of the disputed area to the Glendale Exchange would not permanently correct the unsatisfactory telephone situation now existing in the territory located between the business centers of the two cities.

The Commission's Telephone and Telegraph Engineer, Arthur B. Fry, placed in evidence a plan of relief for the situation in controversy and offered as an exhibit a schedule of Foreign Exchange Residence telephone rates for Glendale service in the Burbank Exchange Area.

This plan, which would inaugurate an important departure from the present practice of telephone companies in California, contemplates the establishment of a one-half mile zone in the Burbank Exchange Area along the Burbank-Glendale common exchange boundary line in which the rate treatment would be on a new basis.

It was suggested, and properly so, that similar treatment should be given to a one-half mile zone in the Glendale Exchange Area along the same common boundary line. The effect of establishing such half mile zones will be to permit service therein from either of the contiguous exchanges at the option of the subscriber. Within a half mile of the common boundary a subscriber then will have available either service or both services at the base rates plus mileage. The mileage in the half mile zone should be at a higher level of charge than that now effective in the local suburban areas of the exchanges for the purpose of protecting the subscribers whose services are established at average cost from the over-average costs which would occur in connection with long lines across a boundary and where the line facilities must be arranged so as to be used for service from Glendale on the east or Burbank on the west. By this method the changing of exchange boundaries is minimized while at the same time subscribers are not denied their service preference and the objectionable requirement of paying for two services when only one is used will be terminated.

The record shows that witnesses stated their willingness to pay an increased charge for Glendale service in the designated area and there should be no serious objection to the plan on account of mileage charges. It should be noted that the majority of the complaining witnesses reside within the first one-quarter mile zone east of the common exchange boundary and will therefore be required to pay the minimum mileage charge under this schedule.

This plan was materially different from one submitted by defendant's witness as to the amount of the mileage charge and the absence of the requirement of both Glendale and Burbank service in certain zones. It appears that the Telephone Company's proposal

does not offer any substantial measure of satisfaction in this complaint and should not be accepted. On the other hand, we believe that the proposal of the Commission's engineer will give the availability of service asked for by complainant and will even extend that relief much further than was requested in the complaint.

It is hereby found that the rates for Glendale Foreign Exchange Residence service as set forth in Exhibit No. 39, received in evidence in this proceeding, should be made effective and the order following will so provide.

O R D E R

This case being at issue upon complaint and answer on file, hearings having been had, the matter having been submitted, a brief having been filed by complainant, full investigation having been made of the questions and things involved, and basing its order upon the findings of fact appearing in the foregoing opinion:

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

IT IS HEREBY FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall:

1. Establish Glendale Foreign Exchange Residence Service in the Burbank Exchange Area under the schedule shown in Exhibit "A" attached hereto and made a part hereof, effective for service on and after March 1, 1929.

2. Submit to the Railroad Commission for filing on or before February 25, 1929, a schedule of rates and charges as set forth in Exhibit "A" attached hereto.

For all other purposes the effective date of this

order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 18th
day of February, 1929.

Paul B. Smith
C. A. ...
...
Leon ...

Commissioners.

EXHIBIT "A"

R A T E S

EXCHANGE SERVICE SCHEDULE NO. _____.

FOREIGN EXCHANGE SERVICE

GLENDALE residence service
furnished in BURBANK.

SERVICE:

Applicable to Glendale Exchange Residence Service furnished in the Burbank Exchange Area.

RATE:

(1) Station Rate:

(a) Individual Line Residence Service:

Each Primary Station, per month

Desk Set Glendale Exchange Individual Line Residence Desk Set Rate.
Wall Set Glendale Exchange Individual Line Residence Wall Set Rate.

(b) Two-party Line Residence Service:

Desk Set Glendale Exchange Two-party Line Residence Desk Set Rate.
Wall Set Glendale Exchange Two-party Line Residence Wall Set Rate.

(c) Four-party Line Residence Service:

Desk Set Glendale Exchange Four-party Line Residence Desk Set Rate.
Wall Set Glendale Exchange Four-party Line Residence Wall Set Rate.

(d) Suburban Line Residence Service:

Desk Set Glendale Exchange Suburban Line Residence Desk Set Rate.
Wall Set Glendale Exchange Suburban Line Residence Wall Set Rate.

(e) Extension Station Service:

Desk Set Local Rate.
Wall Set Local Rate.

(2) Mileage Rate:

(a) Suburban Mileage Rate:

Each Primary Station, per month Rate applicable in Glendale Exchange Area.

(b) Foreign Exchange Mileage Rate:

Rate for Each One-quarter Mile or Fraction Thereof, per Month.

	First One-half Mile Zone	Beyond First One-half Mile Zone
Individual Line Residence Primary Station	\$1.50	\$1.50
Two-party Line Residence Primary Station	1.00	1.25
Four-party Line Residence Primary Station75	1.00
Suburban Line Residence Primary Station25	.50

EXCHANGE SERVICE SCHEDULE NO. _____. (CONTINUED)

CONDITIONS:

(1) The above foreign exchange mileage is the air line distance between the subscriber's Primary Station and the nearest point on the common boundary of the Glendale and Burbank Exchanges.

(2) Suburban mileage is the air line distance between the point on the common boundary of the Glendale and Burbank Exchanges, as determined in (1) above, and the nearest point on the primary rate area boundary of the Glendale Exchange.

(3) Foreign Exchange Service will be furnished subject to the same conditions as to the use of the service by others than the subscriber and his representatives which are applicable in connection with other classes of subscriber's telephone service.

(4) The phrase "local rate" as herein used refers to the rate applying in the exchange within which that particular primary station is located.

(5) Subscribers to Foreign Exchange Residence Service, having stations located in the first one-half mile zone, are not required to take service from the exchange from which local service normally would be rendered.

Subscribers to Foreign Exchange Residence Service, having stations located beyond the first one-half mile zone, are required to take service from the exchange from which local service normally would be rendered on the premises on which foreign exchange service is furnished.

(6) For purposes of administration of this schedule, the first one-half mile zone is defined as an area, lying wholly within the Burbank Exchange Area, all points in which are within one-half mile air-line distance from the common boundary of the Glendale and Burbank Exchanges.

"Beyond the first one-half mile zone" means any point within the Burbank Exchange Area not located in the first one-half mile zone as defined above.

(7) The scope of local service for and the toll rates to and from party line and suburban line stations connected for foreign exchange service will be in accordance with the tariff provision of the foreign exchange for the particular class of service furnished.

(8) Extension stations referred to above will be installed on the premises on which the primary station is located.

(9) A suburban line station shall not be located within the primary rate area.