

Decision No. 30987.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

DELHI STATE LAND SETTLEMENT
and
DELHI COMMUNITY COUNCIL,

Complainants,

vs.

PACIFIC TELEPHONE AND TELEGRAPH COMPANY
and
LIVINGSTON INDEPENDENT TELEPHONE COMPANY,

Defendants.

ORIGINAL

Case No. 2626.

J. J. Deuel, for Complainants.

Pillsbury, Madison and Sutro, and
James G. Marshall, for Defendant,
The Pacific Telephone and Telegraph Company.

Ernest Irwin, for Defendant,
Livingston Telephone Company.

BY THE COMMISSION:

O P I N I O N

Delhi State Land Settlement and Delhi Community Council herein make complaint against The Pacific Telephone and Telegraph Company and the Livingston Telephone Company, alleging that certain territory known as Delhi State Land Settlement is without proper and adequate telephone service due to the fact that one portion of said territory is included in the Turlock Telephone Exchange Area, the remainder is within the Livingston Exchange Area, and a unified service over the territory is not available. Each defendant filed with the Commission its answer to the Complaint denying that the territory of the Delhi State Land Settlement is without proper and adequate telephone service.

A hearing upon the issues thus joined was held by Examiner Satterwhite at Merced on February 15, 1929, when the

matter was submitted for decision.

The Delhi State Land Settlement is a division of the Department of Agriculture of the State of California engaged in the settlement of families upon certain land in Merced County which was purchased in 1920, by the State. The colony comprises between two hundred (200) and three hundred (300) families located on the eighty-four hundred (8400) acres of land in the tract. Certain jurisdiction is exercised by the State over the affairs of the colony. The Delhi State Land Settlement operates an underground concrete pipe system for the distribution of water received from the Turlock Irrigation District with the exception of four (4) farms which have a separate water right from the Merced River. Many organizations active in the Land Settlement have memberships from all parts of the territory and there appears to be no substantial diversity of social or business interests.

That portion of the territory situated west of Olive Street receives its telephone service from the Turlock Exchange of The Pacific Telephone and Telegraph Company, and the portion east of Olive is included in the exchange area of the Livingston Telephone Company.

Some forty (40) telephone subscribers in the section west of Olive Street have service from the Turlock Exchange and one subscriber, the Ballico Lumber Company, located in the area east of Olive Street has service from the Livingston Exchange but desires to change to Turlock service. Two residents whose homes are on ranches in the settlement designated as River Farms have had on file, with the Livingston Telephone Company for several months, applications for telephone service from the Livingston Exchange and prefer that service to Turlock service.

No evidence was received to show that residents of the Delhi State Land Settlement other than those at River Farms desired Livingston service. On the other hand, witnesses

gave testimony to the effect that residents are waiting until Turlock telephone service can be secured throughout the colony before applying for any service. It appears that almost without exception the residents of the community have interests in common and to a degree not often found. This community of interest indicates that telephone service in the Delhi State Land Settlement should be furnished from one exchange only. Inasmuch as the preference is almost unanimous for Turlock service, it would appear that The Pacific Telephone and Telegraph Company's objection to serving the entire territory from its Turlock Exchange for the stated reason that it could be served more economically from Livingston, should be overruled.

We find that the territory of the Delhi State Land Settlement should be included in the Turlock Exchange Area with the exception of certain farms numbered 467, 468, 469 and 470 and known as River Farms which should remain in the Livingston Exchange Area.

As to Section 9 of the Complaint, relative to the purchase of a telephone line from Delhi State Land Settlement by The Pacific Telephone and Telegraph Company, evidence received at the hearing showed that such issue had been settled agreeably to interested parties.

O R D E R.

This case being at issue upon Complaint and Answers on file, a hearing having been held, the matter having been submitted, and now being ready for decision, and basing its order upon the findings of fact appearing in the foregoing Opinion:

IT IS HEREBY ORDERED that The Pacific Telephone and Telegraph Company, on or before M a y 1 , 1929, shall relocate the boundary of its Turlock Exchange Area to include therein that certain territory located in Merced County,

California, known as the Delhi State Land Settlement described in words and figures in Section 3 of the Complaint herein and shown on a map accompanying said Complaint, with the exception of a certain territory known as River Farms and otherwise as farms numbers 467, 468, 469 and 470.

IT IS HEREBY FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall file with the Railroad Commission on or before A p r i l 15, 1929, in accordance with General Order No. 68, a revised map of its Turlock Exchange Area which shall include the territory above ordered therein.

IT IS HEREBY FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall make effective for service on and after M a y 1, 1929, in the above designated territory the rates, rules and regulations then applicable in its Turlock Exchange Area.

IT IS HEREBY FURTHER ORDERED that Livingston Telephone Company shall file with the Railroad Commission on or before A p r i l 15, 1929, in accordance with General Order No. 68, a revised map of Livingston Exchange Area which shall exclude therefrom the territory above ordered included in the Turlock Exchange Area of The Pacific Telephone and Telegraph Company.

IT IS HEREBY FURTHER ORDERED that Livingston Telephone Company shall cancel and withdraw all exchange service together with rates, rules and regulations pertaining thereto in the above designated territory as of M a y 1, 1929.

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 M a r c h, 1929.

Thos. D. Lewis
Chas. Deane
Frank J. ...
Leon ...
W. J. ...
Commissioners.