

Decision No. 22080.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of E. J. Gann, doing business under the name and style of Mariposa Telephone Exchange, for an order authorizing him to sell his telephone property and to retire from the telephone business, and further authorizing James J. Dulcich to purchase said property and render telephone service in the territory involved, and to establish rates therefor.

Application No. 16158.

Ernest Irwin, for Applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding, applicants E. J. Gann and J. J. Dulcich ask authorization of the Railroad Commission for the transfer of certain telephone public utility property from the former to the latter. Applicant Gann asks authority to retire from the telephone public utility business, and Applicant Dulcich asks permission to purchase and operate said property and to establish rates for telephone service. The property involved consists of a central office switchboard, poles, wire lines, telephone instruments, and appurtenances, all located within the townsite of Mariposa, Mariposa County.

A public hearing was conducted by Examiner Williams at Mariposa, January 15, 1930, at which place and time the matter was submitted for decision.

The operations of the telephone utility in Mariposa were first called to the attention of this Commission during the year 1914, when L. G. Thistle and The Pacific Telephone and Telegraph Company filed a joint application for authority, the one to enter and the other to withdraw from territory in and adjacent to Mariposa. In Decision No. 1277, dated February 14, 1914, (4 C.R.C. 215) the authority sought was granted, and L.G. Thistle took over the operation of the telephone exchange at Mariposa and filed with the Commission, on June 11, 1914, a schedule of exchange rates applicable to the service rendered. According to the Commission's records authority was granted to transfer the telephone utility property in Mariposa to E. J. Gann on November 30, 1914, (Decision No. 1974, 5 C.R.C. 795). On August 21, 1916, E. J. Gann filed a rate for farmer line service in Mariposa Exchange.

According to the testimony presented at the hearing in this proceeding, telephone property in Mariposa of the value of approximately \$600. was transferred from Applicant Gann to Applicant Dulcich during the year 1927. Applicants now seek to obtain the authority necessary to legalize this transaction. Applicant Dulcich averred that he was unaware of the requirements of the law governing the regulation of utilities. A number of improvements have been effected by Applicant Dulcich since he has been operating the property, including the installation of a new central office switchboard and the construction of more adequate outside plant in the Mariposa townsite. No objection was made at the hearing to the transfer as requested or to the present management and it appears that it is in the interest of applicant's patrons and the public generally to grant the authority requested in this application in so far as it

pertains to the transfer of property, and the order following will so provide.

The request of Applicant Dulcich to file certain rate schedules presents a different problem. As noted above, rates applying to exchange service and farmer line switching service are already on file for the Mariposa Exchange, which rates have not been cancelled, superseded or withdrawn. Applicant now proposes to file a schedule which sets forth higher rates than those previously filed, and to apply such schedule to all existing services. This would result in increased charges to some twenty-four patrons located within applicant's proposed base rate area.

No showing has been made in this proceeding that increased charges for service are necessary. In fact, no accurate statement of value of property used and useful in providing public utility service or detailed estimate of revenue to be derived from the application of proposed rates has been presented by applicant. The expenses incident to the operation of the Mariposa system are not a matter of record with this Commission. We are of the opinion that before a revision of applicant's rate schedules is considered, a showing of the requirements should be made and that until such time as good and sufficient reasons for revision are presented applicant's effective rates for service should be those heretofore filed with the Commission. These schedules are set forth in form modified to comply with the provisions of General Order No. 68 as a part of the order in this proceeding.

O R D E R

E. J. Gann, doing business under the name and style

of Mariposa Telephone Exchange, having asked the Railroad Commission for authority to sell his telephone property in Mariposa to James J. Dulcich and to retire from the telephone business, and James J. Dulcich having asked for authority to purchase said property and to establish certain rates for telephone service, a public hearing having been held, the matter having been submitted and being now ready for decision,

The Railroad Commission hereby finds as a fact that the transfer of utility property as requested in this application will be in the interests of the public, but that rates increasing charges to certain of applicant's patrons should not be made effective at this time and, basing its order on the foregoing finding of fact and such other findings of fact as are contained in the opinion preceding this order,

IT IS HEREBY ORDERED as follows:

(1) E. J. Gann is granted authority to sell and transfer, as of March 1st, 1930, all of his telephone properties, described in the opinion preceding this order, to James J. Dulcich for the sum of \$600.

(2) E. J. Gann shall discontinue public utility telephone service as of the date of the transfer, and rates for telephone service by him shall be cancelled as of that date.

(3) The authority to transfer the aforesaid properties is granted upon the condition that the consideration paid for such properties shall not be urged before the Railroad Commission of the State of California as a measure of the value of said properties for any purpose other than the transfer herein authorized. Applicant may charge not more than \$600. to its fixed capital account because of the transfer herein authorized.

(4) James J. Dulcich shall, on and after the date he acquires the aforesaid properties, operate the same at rates for local exchange telephone service in Mariposa Exchange as set forth in Exhibit "A" attached hereto.

(5) James J. Dulcich shall file on or before February 25 1930, in the manner prescribed in General Order No. 68, the rates referred to in (4) above, a map of the exchange area of Mariposa Exchange, as shown in Exhibit No. 5, filed at the hearing in this proceeding, and rules and regulations governing telephone service in said exchange area as may be approved by the Railroad Commission.

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 3rd day of February, 1930.

Al Lewis
Francis J. ...
John S. ...

Commissioners.

EXHIBIT "A"

SCHEDULE OF RATES

EXCHANGE SERVICE - SCHEDULE NO. A-1

Individual and party line Service - Mariposa.

Service

Applicable to business individual and two party line, and residence individual and party line flat rate service within the base rate area of the Mariposa Exchange.

RATE

	<u>Rate per Month.</u>	
	<u>Wall Set</u>	<u>Desk Set.</u>
(1) Business Flat Rate Service:		
Each individual line station	\$2.50	\$2.75
Each two-party line station	2.00	2.25
Each extension station	1.00	1.00
(2) Residence Flat Rate Service:		
Each individual line station	2.00	2.25
Each two-party line station.	1.75	2.00
Each four-party line station	1.50	1.75
Each extension station	1.00	1.00

CONDITIONS:

(1) The base rate area of the Mariposa Exchange is a circle the radius of which is one-half mile and the center of which is at the Mariposa Central Office.

(2) Individual and party line services will be provided outside the base rate area and within the exchange area at the above rates and mileage rates.

(3) Extension stations at the above rates are installed on the premises on which the primary station is located.

EXCHANGE SERVICE SCHEDULE NO. A - 2

Mileage Rates - Mariposa.

Mileage rates applicable throughout the Mariposa Suburban Area.

RATE:

Rate per each one-
quarter mile or frac-
tion thereof, per month.

Each individual line primary station	\$0.50
Each two-party line primary station	.35
Each four-party line primary station	.25

The above rates are based on airline distance measured from the subscribers primary station to the nearest point on the boundary of the base rate area.

EXCHANGE SERVICE - SCHEDULE NO. A- 3

Farmer Line Service - Mariposa.

SERVICE

Applicable to farmer line service furnished within the Mariposa Exchange Area.

RATE

Rate per year.

Each station, business or residence service

\$6.00

CONDITIONS:

(1) Farmer line service is furnished outside the base rate area and normally within the exchange area at the above rates.

(2) The Company will provide, own, and maintain all lines and facilities used to furnish farmer line service to the boundary of the base rate area.

(3) The subscriber will provide, own, and maintain all lines and facilities beyond the base rate area.

EXCHANGE SERVICE - SCHEDULE NO. A- 4

Move and Change Charges - Mariposa.

SERVICE

Applicable to charges for moves and charges within the Mariposa Exchange Area.

RATE

Moves and changes of telephone equipment, apparatus, and wiring on the subscriber's premises, performed by the Company at the request of the subscriber, will be subject to the following charges:

Subscriber's telephone set.	<u>Charge.</u>
Moving from one location to another in the same room	\$1.00
Moving from one room to another in the same building	2.00
Moving from one building to another building	3.50