

ORIGINAL

Decision No. 23491

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HALLAM COOLEY, ARKELL BURNAP,
C. E. SEARES, PAUL PENLAND,
TOM GALLERY and LEO M. MEEKER,

Petitioners

vs

Case No. 2873.

THE ASSOCIATED TELEPHONE
COMPANY, LTD., a California
corporation,

Respondent.

Hardy, Elliott and Aberle, by H. W. Elliott,
for Petitioners and Complainants.

Edwin P. Werner, City Attorney of Los Angeles,
by D. M. Kitzmiller, Thurmond Clarke and
R. W. Wilke,
for Petitioners and Complainants.

George L. Metcalf, Telephone Engineer,
Board of Public Utilities and Transportation,
City of Los Angeles,
for Petitioners and Complainants.

Chester L. Coffin, City Attorney of Santa
Monica and C. W. McInnery, Jr.,
Protestants.

Ernest Irwin and C. F. Mason,
for Respondent and Defendant.

BY THE COMMISSION:

O P I N I O N

In this complaint certain telephone subscribers,
residing in an area north of San Vicente Boulevard, east of
Twenty-Sixth Street and south of the Santa Monica Mountains,

all within the City of Los Angeles, seek to have said territory transferred from the Santa Monica Exchange Area to the West Los Angeles Exchange Area. Associated Telephone Company, Ltd., filed an answer to this complaint.

Public hearings in this proceeding were held before Examiner Satterwhite in West Los Angeles on September 30, October 1, November 13 and 14, 1930, and January 20, 1931, on which latter date the matter was submitted for decision.

Prior to September 1, 1929, the territory which is now the West Los Angeles Exchange Area was included in the Santa Monica Exchange Area. In Decision No. 20800 (32 C.R.C. 670) the Commission ordered the Santa Monica Bay Telephone Company, predecessor of Associated Telephone Company, Ltd., to establish a separate telephone exchange to serve the area which is now the West Los Angeles Exchange Area. The Santa Monica Company in its application in response to public request had asked for the inclusion, in the West Los Angeles Exchange Area, of other territory of which that involved in this complaint is a part, but the Commission in its opinion said:

"As to the Brentwood Park District, there is evidence in favor of and against its inclusion in the new exchange. It appears proper that no change should be made in the established service in an area until sufficient evidence has been produced to show that the majority of those interested desire it or will be benefited thereby or that other conditions require such change. Accordingly, the Brentwood Park area will not be separated from the Santa Monica Exchange area at this time."

It is the apparent wish of interested telephone subscribers and the Company, to secure in this proceeding a final disposition of this matter. Full opportunity has been afforded

residents of the Brentwood Park District to present evidence which would show whether the territory should be transferred to the West Los Angeles Exchange Area or should remain a part of the Santa Monica Exchange Area. Approximately one hundred and forty witnesses, subscribers to telephone service in the area in the complaint, stated their preferences to the service they desired. A review of the voluminous record in this proceeding and a study of a map showing the approximate locations of the services of the interested subscribers clearly indicate a decided division of sentiment in this matter.

Approximately seventy-three (73) per cent of witnesses residing in that portion of the contested area located north of Beverly Boulevard and ⁱⁿ the Brentwood Green section, stated a preference for a change in service. In that section south of Beverly Boulevard and west of Canyon View Drive only forty per cent of the residents who testified were in favor of the West Los Angeles service. It is true that here and there in this last indicated section, residents favor the proposed change in service; however, it is not practical to establish telephone service areas in the heterogeneous fashion which would result if each resident were furnished any exchange service which he might select.

It is of record that residents located within one-half mile air-line distance of the common boundary of the West Los Angeles and Santa Monica Exchanges may have either or both services at their option at filed rates, a fact which materially relieves the boundary situation.

Witnesses for the Telephone Company gave evidence that if the services in the contested area should be changed

to the West Los Angeles Exchange, an expenditure of approximately \$44,000.00 would be required, of which \$10,000.00 for central office equipment might later be recovered if the equipment removed from active service in the Santa Monica office is subsequently needed and again placed in service. However, the Telephone Company has expressed a willingness to do whatever the Commission decides the people desire.

Interested parties, by means of letters, postal cards and petitions, endeavored to influence the resident telephone subscribers of the contested area to accept one view or the other. These letters, cards and petitions were introduced at the hearings and have been given due and appropriate consideration.

The City of Santa Monica called witnesses and contended by argument that the transfer of the telephone services of the contested area from the Santa Monica Exchange would result in serious detriment to its citizens. It was claimed that certain Santa Monica merchants doing business in the Brentwood District would suffer substantial loss of business if the proposed change is consummated. Relief from such a condition will be had due to the fact that West Los Angeles Exchange service on the foreign exchange basis is now and will be available to these merchants located in Santa Monica.

We find that a definite allocation of the contested area should be made at this time so that new residents may know which service they may be able to secure, and so that the Telephone Company may be enabled economically and definitely to establish its facilities and to arrange to correct transmission difficulties of which complaint was received at the hearings. Accordingly, the order following will provide for the inclusion

in the suburban area of the West Los Angeles Exchange of that section of the contested area situated north of Beverly Boulevard and of the Brentwood Green section and for the continuation of the remainder of the contested area in the Santa Monica Exchange Area.

O R D E R

This case being at issue upon complaint and answer filed with the Commission, public hearings having been held, careful consideration having been given to the matters involved, and basing this order on the findings of fact and conclusions contained in the opinion preceding this order, and which is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that Associated Telephone Company, Ltd., shall include within the suburban area of its West Los Angeles Exchange on and after September 1st, 1931, that certain area bounded and described as follows:

Beginning at a point on the present common boundary of the West Los Angeles and Santa Monica Exchanges, west of Rockingham Avenue, at its intersection with the center line of Parkway Street, extended; thence southward to the intersection of the center lines of Rockingham Avenue and Burlingame Avenue; thence in a southeasterly direction along the center line of Burlingame Avenue to its intersection with the center line of Beverly Boulevard; thence eastward along the center line of Beverly Boulevard to its intersection with the center line of Muriel Avenue, extended; thence southward along a line midway between the center lines of Canyon View Drive and Anita Avenue to the center line of San Vicente Boulevard; thence in a northeasterly direction along the center line of San Vicente Boulevard to its intersection with the common boundary of the West Los Angeles and Santa Monica Exchanges; thence in a northerly, westerly and southerly direction along said common boundary line to the point of beginning.

IT IS HEREBY FURTHER ORDERED that Associated Telephone

Company, Ltd., shall submit for filing with the Railroad Commission, on or before August 25, 1931,

(1) A map of its West Los Angeles Exchange Area revised to include therein the above described territory.

(2) A map of its Santa Monica Exchange Area, revised to exclude therefrom the above described territory.

IT IS HEREBY FURTHER ORDERED that Associated Telephone Company, Ltd., shall discontinue all Santa Monica local exchange service in the above described territory on and after September 1st, 1931, except as the same may be furnished under Foreign Exchange schedules.

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 9th day of March, 1931.

Clavery
F. J. White
M. J. Carr
M. B. Harris
Fred G. Stewart
 Commissioners.