

Decision No. 24267.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

AMASA S. BRYANT,

COMPLAINANT,

vs.

THE SOUTHERN SIERRAS POWER CO.,
a Corporation,

DEFENDANT.

Case No. 3118.

ORIGINAL

A. Boyer, for Complainant.

H. M. Hammack and Albert G. Cage,
for Defendant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Amasa S. Bryant, owner and operator of a telephone and telegraph system commonly known as Bridgeport Telephone and Telegraph Company, complains that the operation of an electric transmission line from Mill Creek Power House, near Mono Lake, to Bridgeport and an electric distribution system in Bridgeport and vicinity by The Southern Sierras Power Company will cause complainant's telephone and telegraph line between Bridgeport and Tioga Lodge to become a total loss. Complainant prays for an order of the Railroad Commission, adjudging that this Commission "has no authority or jurisdiction to approve the construction of said power transmission lines" and that defendant be directed to "remove its said power transmission lines between the said Jordan

Plant and Bridgeport."

The Southern Sierras Power Company answered the complaint, in general denying the allegations therein made.

Public hearings were held in the proceeding on October 29th and 30th, 1931, at Bridgeport by Examiner Kennedy, when all interested parties were given an opportunity to appear and be heard and the matter was submitted for decision.

For more than thirty (30) years Amasa S. Bryant has conducted his telephone and telegraph business in Bridgeport, county seat of Mono County, with lines extending north to Coleville, California, northeast toward Yerington, Nevada, and south toward Mono Lake. All these lines are single iron wire circuits with ground return. The communication business of the community in the past has not justified a high grade of facilities. However, with improvements being made in this area, the public will require a better grade of telephone service.

In Decision No. 23966, in Application No. 17522, on August 17, 1931, the Commission ordered and declared "that public convenience and necessity require and will require the exercise by The Southern Sierras Power Company of the rights and privileges granted to it by franchise under Ordinance No. 134 of the Board of Supervisors of Mono County, California, in so far as the exercise of such franchise is necessary for the specific project outlined in the application and the construction by applicant of the electrical transmission and distribution lines necessary to serve the unincorporated town of Bridgeport and vicinity."

The Commission, on August 25, 1931, received a telegram from Amasa S. Bryant stating that the operation of the electric lines referred to above seriously interfered with the

use of his Bridgeport-Mono Lake circuit. In response to this advice the Commission, following an inspection and study of these circuits by its Engineering Department, on September 4, 1931, directed The Southern Sierras Power Company to de-energize its transmission line between Mill Creek Power House and Bridgeport for and during three half-hour periods, to wit: 8:30 to 9:00 A.M., 10:30 to 11:00 A.M. and 3:30 to 4:00 P.M., each and every day until further order of the Commission.

Much testimony was given at the hearing concerning the character of the communication service over the Bridgeport-Mono Lake telephone and telegraph line before the Bridgeport power line was built, as compared to that when the power line is energized and that when the same is de-energized. Apparently the line although noisy could be used for service before the power line was built and during the half-hour periods when the power line was de-energized. The energizing of the power line results in increased noise on complainant's line, although messages are being transmitted over said line.

The Commission has directed The Southern Sierras Power Company to restore full twenty-four hour service over its Bridgeport distribution system, effective November 16, 1931.

The Commission desired to have certain rearrangements made in the telephone and telegraph line and the electric power lines necessary for the furnishing of more adequate telephone and telegraph and full electric service between Mono Lake and Bridgeport and vicinity and its engineers made recommendations to the interested utilities to that effect. The Southern Sierras Power Company agreed to cooperate with Mr. Bryant and the Commission in carrying out these recommendations, but Mr. Bryant

would not cooperate. Albert G. Cage, for The Southern Sierras Power Company, at the hearing reiterated the Power Company's agreement to cooperate as above stated, but on condition that Mr. Bryant would spend sufficient money to bring his line between Bridgeport and Mono Lake up to a reasonable standard, in accordance with the suggestions set forth by the engineers of the Commission. At the hearing Mr. Bryant agreed to cooperate in this matter.

It is our opinion that the interested utilities should, as expeditiously as is reasonably possible, make the suggested changes and improvements and bear the apportioned costs thereof, as recommended by our engineers.

We have reviewed the contention of complainant's counsel that this Commission has no authority or jurisdiction to approve the construction of said power transmission line between The Southern Sierras Power Company's Jordan Plant, on Mill Creek, and Bridgeport and find the same to be without merit, and after a careful consideration of the record in this proceeding we are of the opinion that the complaint should be dismissed.

O R D E R

This case being at issue upon complaint and answer on file, having been duly heard and submitted, proper investigation of the matters involved having been made and basing this order on the findings of fact and conclusions contained in the opinion which precedes this order:

IT IS HEREBY ORDERED that the above entitled proceeding

be and the same is dismissed.

Dated at San Francisco, California, this 31th day
of November, 1931.

C. C. Skany
Leon White
M. J. Linn
M. B. Linn
Frederic G. Stewart

Commissioners.