

Decision No. 10212

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
POSTAL TELEGRAPH-CABLE COMPANY for
authority to close its office at Selma,
as of July 20, 1921.

In the matter of the application of
POSTAL TELEGRAPH-CABLE COMPANY for
authority to open telegraph office
at Merced, as of May 21, 1921.

In the matter of the application of
POSTAL TELEGRAPH-CABLE COMPANY for
authority to open temporary telegraph
office in Lodi, as of August 3, 1921.

In the matter of the application of
POSTAL TELEGRAPH-CABLE COMPANY to
open temporary telegraph office in
Turlock, as of July 18, 1921.

In the matter of the application of
POSTAL TELEGRAPH-CABLE COMPANY to
open telegraph office at Fillmore.

ORIGINAL

Application No. 7218.

A. B. Richards for Applicant.
A. H. May and E. B. Harrington
for Western Union Telegraph Co.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at San Francisco upon the above entitled application. Applicant now wishes authority to close its offices at Merced and Selma, which were, in fact, closed May 21st and July 20th, last; to procure authority for offices established at Lodi, August 3rd, last, and at Turlock, July 18th, last; and preliminary authority to open an office at Fillmore, Ventura County.

It appears from the testimony that offices at Selma, Merced, Lodi, and Turlock were opened without authority of the

Commission and without knowledge of the fact that the law requires previous authority from the Railroad Commission before opening or closing telegraph offices.

A circular letter which was sent out by Postal Telegraph-Cable Company, referring to the withdrawal of service at Red Bluff, California, having come to the notice of the Railroad Commission and, the telegraph company not having applied to the Commission for authority to abandon service, the company's attention was directed to the necessity for obtaining authorization before establishing service in territory not previously served by it and before abandoning service in any portion of the territory served by it. The Commission at the same time called upon the company for a list of all offices which it may have established, if any, and all offices which it may have discontinued, if any, within this State on and after August 1, 1919. The company thereupon advised the Commission that it was not aware of the necessity for obtaining the Commission's authorization in such cases and that various offices had been opened and closed without such authorization, as follows:

Hanford, California,	Closed,	March 31, 1920.
"	Reopened,	July 26, 1921.
Lodi,	"	Opened, Aug. 3, 1921.
Merced,	"	Opened, May 1, 1921.
Turlock,	"	Opened, July 18, 1921.
Selma,	"	Closed, July 20, 1921.

The application herein was accordingly filed, asking for an order formally authorizing these various transactions, except as to Hanford, and asking also for a certificate of public convenience and necessity authorizing the establishment of service at Fillmore.

The occasion for now closing the office at Merced is the recent expiration of applicant's contract with the Atchison, Topeka & Santa Fe Railway Company, under which the two companies

joined in the expense of maintaining the telegraph line, and the railway company operated the line, transmitting the telegraph company's commercial messages in return for a share of the tolls. This service is now being rendered to the public by the Western Union Telegraph Company, which maintains with the railway company a joint office at the Santa Fe station in Merced. It also maintains an uptown office in Merced and a joint office with the Southern Pacific Company at the latter's railway station in Merced.

The Western Union Telegraph Company maintains offices and furnishes adequate service at each of the five towns named, but it offers no objection to applicant maintaining permanent offices in the same towns. It does object, however, to the establishment of temporary offices to be operated during the busy season only, such as was done to accommodate grape and melon buyers during the seasons at Lodi and Turlock, respectively.

Applicant made no showing of public necessity or convenience which would be served by opening an office at Fillmore, and stated that if it were necessary to make such showing or even to procure a petition signed by residents, it did not care to establish the service there.

Applicant showed only a desire to render the proposed service, and that there is no objection on the part of the utility now serving the community. This does not constitute a showing of public need for the service proposed, and the application for authority to serve Fillmore will be denied.

ORDER

A public hearing having been held upon the above entitled application, the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that Postal Telegraph-Cable Company be and it is hereby authorized and empowered to close its offices at Selma and at Merced, and to cease telegraph service to and from those towns.

IT IS HEREBY FURTHER ORDERED that Postal Telegraph-Cable Company be and it is hereby authorized and empowered to open telegraph offices at Lodi and at Turlock and to furnish and maintain service for transmitting telegraphic messages to and from Lodi and Turlock.

THE RAILROAD COMMISSION HEREBY DECLARES that public necessity and convenience do not require that Postal Telegraph-Cable Company transmit telegraphic messages to or from Fillmore, Ventura County.

IT IS HEREBY FURTHER ORDERED that the above entitled application, in so far as it relates to authority to open telegraph office at Fillmore, be and it is hereby denied.

Dated at San Francisco, California, this 6th day of March, 1922.

H. D. Love Land
Erving Martin
Robert H. Powell
Commissioners.