

Decision No. 1167

ORIGINAL

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of The PACIFIC TELEPHONE and TELEGRAPH COMPANY for a certificate that public convenience and necessity require the exercise of the rights and privileges conferred upon it by Ordinance No. 90 of the City of Eagle Rock.

Application No. 882.

James T. Shaw and John G. Mott for applicant.  
Hartley Shaw, City Attorney, for City of Eagle Rock.

THELEN, Commissioner.

O P I N I O N.

This is an application, under the provisions of Section 50(b) of the Public Utilities Act for a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 90 of the City of Eagle Rock.

This ordinance was approved on November 3, 1913, and grants to The Pacific Telephone and Telegraph Company for the period of twenty-five years the right to do a telephone and telegraph business in the City of Eagle Rock, and to use the public streets, highways, alleys and avenues for such purpose. The ordinance contains the usual provisions of the Broughton Act, providing for a payment to the municipality, after five years, of two per cent per annum, of the gross revenue derived from the use of the franchise. The ordinance reserves to the city the right to the use of a portion of the grantee's conduits and poles, and also provides for one desk telephone, without charge to the city. The ordinance contains other provisions to which it is not necessary to refer here.

The franchise was applied for and secured in response to the demand of the City of Eagle Rock that such action be taken, under the

provisions of Section 19 of Article XI of the Constitution of this State, as amended on October 10, 1911. Prior thereto the company was operating in this territory without any franchise. The City of Eagle Rock was represented at the hearing and stated its desire that this application be granted. No one appeared in opposition thereto.

I find that the certificate should be granted as applied for, and submit herewith the following form of order:

O R D E R.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY having applied for a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 90 of the City of Eagle Rock, and a public hearing having been held on said application, and the Railroad Commission finding that the application should be granted,

IT IS HEREBY DECLARED that public convenience and necessity require the exercise of the rights and privileges granted to The Pacific Telephone and Telegraph Company by Ordinance No. 90 of the City of Eagle Rock.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 27th day of December, 1913.

John McCallister  
W. J. ...  
Bliss Gordon  
Max ...

Commissioners.