

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

QUINCY CHAMBER OF COMMERCE,

Complainant,

vs.

WESTERN UNION TELEGRAPH COMPANY,
a corporation,

Defendant.

ORIGINAL

Case No. 378.

Decision No. 1600

SUPPLEMENTAL OPINION AND ORDER

ESELEMAN and LOVELAND, Commissioners.

The complaint in this case was filed on March 23, 1913, and thereafter a public hearing was held by the Commission in the town of Quincy on May 27, 1913. The complaint alleged that the defendant, Western Union Telegraph Company, had no office in Quincy, that the town was without telegraph service with the outside world except over the line of the California and Oregon Telegraph Company by way of Susanville and Reno, and that the people of Quincy were subjected to a double toll over that line to Reno and thence over the Western Union lines. The complaint prays that the defendant be required to establish an office in Quincy and to construct a line thence to Marston, a distance of approximately four or five miles, for connection at that point with the defendant's transcontinental lines.

The Quincy Western Railway Company operates a railroad between Quincy and Marston and in connection with this railroad it also owned and operated a grounded telephone line between these points. Subsequent to the filing of this complaint, the defendant arranged with the railroad company to transmit telegrams by telephone between Quincy and Marston over this telephone line, these messages to be transferred at Marston to and from the Western Union lines to destination. The efficiency and adequacy of

this service was attacked on the ground that it was subject to interruption and lack of privacy due to the presence of certain telephones which were connected at intermediate points to this line and to the fact that the telephone in use for this purpose in the railway company's office in Quincy was located in an open room which was accessible to the public and, therefore, without privacy.

The defendant admitted these allegations to be true and agreed to install a sound proof booth in the railway company's office at Quincy to insure privacy at that point and, in conjunction with the railway company, to reconstruct the line between Quincy and Marston, but objected to maintaining a separate office in the town on the grounds that the available revenue was insufficient to justify the expense incidental to the operation of an independent agency.

In view of the facts disclosed at the hearing, it did not appear that the Western Union Telegraph Company should be required to establish an agency at this point, but it was apparent that the service should be improved. On June 5, 1913, the Commission rendered its decision permitting the defendant to make the improvements which it had volunteered to make and provided thereafter for an inspection to be made by the Commission and if these improvements were found to be adequate and satisfactory the complaint should be dismissed, but, if not, that an order be entered requiring such improvements in addition to those voluntarily made as the Commission should find necessary.

On March 30, 1914, the defendant notified the Commission that the telephone line between Quincy and Marston had been reconstructed and removed from the highway which it formerly occupied to the railway company's right of way and that the railway company had reconstructed and enlarged its Quincy office, which latter improvement the defendant considers obviates the necessity for the installation of a sound proof booth. The Commission is, therefore,

asked to make the inspection and to dismiss the complaint.

An inspection was accordingly made by the Commission's telephone expert and it was found that the telephone line referred to has been substantially rebuilt and that by stringing an additional wire it has been converted into a metallic circuit. Service over this line is now free from interruption since the stations formerly connected between Quincy and Marston have been removed, and transmission is also satisfactory. It was also found that the railway company has provided a public waiting room apart from that in which the telephone is located and, since the public no longer has access to the room from which messages are telephoned, privacy no longer requires that a booth be installed. It is also apparent that, as the railway company's agent acts also as agent for the telegraph company, it is possible to render better service to both companies without the use of a booth.

The complainant, however, has objected to a dismissal of the complaint giving, as a reason for this objection, that a representative of the telegraph company had promised that telegraph instruments would be installed and used in place of the telephone in transmitting messages and that, therefore, it should be required either to do this or to place the booth. Notwithstanding this protest of complainant, it is not apparent that adequacy of service requires the installation either of telegraph instruments or of a booth, but, on the contrary, it appears that the defendant, in conjunction with the railway company, having made these improvements, has done all that it can be reasonably required under the circumstances to do to meet present requirements.

The following order is, therefore, recommended.

O R D E R

Complaint having been filed with this Commission by the Quincy Chamber of Commerce of Quincy, Plumas County, California, complainant, vs. Western Union Telegraph Company, a public utility

corporation, defendant, alleging that the defendant company has no office in the town of Quincy; that the said town is without telegraph communication with the outside world save and except over the line of the California and Oregon Telegraph Company by way of Susanville and Reno, subjecting the people of Quincy to a double toll for telegraph service; that the defendant company has refused to construct and maintain a telegraph line into Quincy, and asking that the Commission take such steps as may be necessary to secure for the people of Quincy improved telegraph facilities; and a public hearing having been held thereon, and the defendant, Western Union Telegraph Company having arranged with the Quincy Western Railway Company to transmit telegraph messages by telephone between Quincy and Marston, thereby bringing about a reduction of 50% in the rate theretofore charged for telegraph service; and certain other improvements having been made in the telephone line between Quincy and Marston and in the railway company's office at Quincy, as more specifically referred to in the Opinion accompanying this order; and an inspection having been made as provided in the Commission's Decision No. 702 heretofore rendered on June 5, 1913; and the improvements herein referred to having been found to be adequate and satisfactory,

IT IS HEREBY ORDERED: That the complaint herein be and it hereby is dismissed without prejudice.

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 22nd day of June, 1914.

John M. Lusk
Alfred
Wm. J. Lusk
Commissioners.