

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1612

ORIGINAL

REEDLEY TELEPHONE COMPANY,

Complainant,

-vs-

L. O. CLOUGH, J. E. ANDERSON,
G. E. SCHROEDER, ANTON HANSON
and J. W. GALLE,

Defendants.

Case No. 603.

A. Terkel, for Reedley Telephone Company
C. W. Tackaberry, for Defendants.

GORDON, Commissioner:

OPINION

REEDLEY TELEPHONE COMPANY, the complainant in this case, operates a telephone system in the city of Reedley, Fresno County, California, and furnishes exchange service to subscribers within the municipal limits of Reedley, and also to a number of farmer lines which extend beyond the municipal limits. The rate for exchange service within the municipal limits is \$1.50 per month. The rate for farmer line service is \$3.60 per annum.

G. E. Schroeder and J. W. Galle, who live beyond the exchange limits, are served by a farmer line. After this line enters the exchange limits it passes across the property of J.E. Anderson, which property is now leased to L. O. Clough. This line also crosses the property of Anton Hanson within the exchange limits.

The only issue presented in this case is whether L. O. Clough should be allowed to receive exchange service on this line at the farmer-line rate of \$3.60 per annum, or whether he should be required to pay the rate of \$1.50 per month regularly charged

for telephone service furnished within the exchange limits. The telephone company has refused to furnish telephone service to Mr. Clough unless he pays the regular exchange rate and has filed this complaint asking for a ruling of the Commission upon this question, and, further, in case the Commission holds that Mr. Clough should pay the \$1.50 per month rate that an order be made directing Mr. Clough to disconnect his farmer-line station unless this rate is paid, and in the event he fails to do so, that the company be permitted to disconnect the entire farmer line.

I desire to draw attention to the circumstances surrounding the construction and use of this farmer-line, as I believe this will have an important bearing upon the decision in this case. This farmer-line was constructed about the year 1908 at the expense of six persons owning property in the vicinity of Reedley who desired to have telephone service between themselves and also a connection with the exchange at Reedley, formerly owned by the Pacific Telephone and Telegraph Company. One of these parties, Mr. J.S. Miller, owned the property now occupied by Mr. Clough. Mr. Miller received telephone service upon these premises, as did also the other parties on the farmer-line. In November, 1912, Mr. Miller sold this property to Mr. J. E. Anderson. At the time of the transfer no mention was made of the telephone line or of the telephone service. The premises remained idle for several months, at the end of which time they were rented to Mr. Rober. During Mr. Rober's tenancy, which was for a period slightly over a month, the telephone, by some means, became disconnected. After Mr. Rober vacated the premises they were again idle for a period of two months, after which they were occupied a short while by Mr. Boyd. The answer to the complaint states that Mr. Boyd requests that the telephone be connected, although no testimony was introduced at the hearing upon this point. After Mr. Boyd left the premises they remained idle until about February 1, 1914, at which time

they were rented by Mr. Clough, the present occupant. Shortly after Mr. Clough moved on to the premises he requested telephone service and was refused for the reasons mentioned above and the dispute resulting in the present complaint thus arose.

At the hearing in this case I made a very careful examination of the history of the telephone service on these premises and found that with the exception of the request which was stated to have been made by Mr. Boyd no mention was made of telephone service upon these premises during the seventeen months in which the various transfers were made. In view of the peculiar circumstances of this case I do not believe that Mr. Clough can be regarded by this Commission as being in the same position as Mr. Miller who originally owned these premises and contributed to the construction of this farmer-line. Mr. Clough, without any mention being made of telephone service, moved on to these premises which are situated within the exchange limits. No farmer-line service had been furnished to these premises for a period well over a year, although they had been occupied from time to time by different tenants. I feel that Mr. Clough cannot be regarded differently than any other tenant who rents premises within the city of Reedley. I feel that it would be decidedly unfair to permit Mr. Clough to receive regular exchange service at other than the regular exchange rates. I, accordingly, recommend that the Commission make a ruling that the Reedley Telephone Company shall charge for telephone service for the premises now occupied by Mr. Clough at the regular exchange rate of \$1.50 per month.

Reedley Telephone Company also requested that this Commission make an order requiring Mr. Clough to disconnect his telephone station at these premises unless he would pay the \$1.50 per month rate, and further, that in case Mr. Clough refused to disconnect his telephone station the Company be permitted to disconnect the entire farmer-line. I do not

feel that it is necessary at this time to make an order as requested by the telephone company. I feel that the decision upon the just rate to be charged will settle the present controversy. If, however, action by this Commission is deemed necessary another complaint may be filed with the Commission.

I recommend the following order:

ORDER

The above-entitled case having been heard and the Commission being duly advised in the premises,--

IT IS HEREBY ORDERED, that the rate to be charged by Reedley Telephone Company for regular telephone exchange service furnished to the premises within the city of Reedley, now owned by J. E. Anderson and occupied by L. O. Clough, is the regular exchange rate of \$1.50 per month.

IT IS FURTHER ORDERED that in all other respects the complaint in this proceeding be, and the same is hereby 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 26th day of June, 1914.

John M. Keenan
H. S. Loveland
W. G. Anderson
Max Thelen

Commissioners.