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Decision No. ✓

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Decision No. 1895

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Cold Brook Camp Company, a corporation, Complainant, vs. R. C. Pollard et al., Defendants.	)	Case No. 678

Oliver C. Clark for complainant
MacKnight and Fitzgerrell for defendants

EDGERTON, Commissioner.

OPINION

Cold Brook Camp Company, a corporation, complains against the defendants herein, alleging that said defendants own and operate a telephone line extending from the mouth of the San Gabriel Canyon in the County of Los Angeles, to Camp Rincon, a distance of about 13 miles from the mouth of the canyon, and a branch extending from said telephone line to Follows Camp. That plaintiff constructed a telephone line from said Camp Rincon to a public camp which it operates on the north fork of San Gabriel Canyon, a distance of 8 miles from Camp Rincon. That plaintiff's line was thereupon connected with the line of defendants in the year 1913, and as compensation for the transmission of messages from plaintiff's line over defendants' line to the outside world, and in a like manner of

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incoming messages plaintiff paid the agreed sum of $100 for said year 1913.

Plaintiff's line remained connected to the line of defendants aforesaid during the year 1913 and during the year 1914 up to the early part of September, when defendants disconnected the line of plaintiff at Camp Rincon.

Plaintiff prays that the Commission compel the defendants to reconnect its line with theirs at Camp Rincon and continue to give it the service heretofore had, and asks that the Commission fix the fee to be paid for such service.

It appears from the evidence that the telephone line with which plaintiff asks to be connected is now owned jointly by Camp Rincon Resort Company, a corporation, and R. M. Follows. The complaint should be dismissed as against the other defendants named in the complaint.

It appears from the evidence that the above allegations are substantially correct, but the defendants insist that their telephone line was built only to serve the public camps which they operate in the San Gabriel Canyon and the forks thereof, that they do not desire to continue to permit the plaintiff to connect with their line as their line is already burdened to capacity. They contend that their line is not a public utility line because it was built solely for the purpose of serving their camps and that the connecting of plaintiff's line in 1913 was only by way of accommodation and the charge of $100 was a rough estimate of the share plaintiff should pay in the up-keep and maintenance of the line.

It appears from the evidence that at all of these camps, including that of the plaintiff, the campers or boarders were allowed to use the telephone upon the payment of a fee, a part of which went to the telephone company connecting with the end of the defendants' line at the mouth of the San Gabriel Canyon, and a part of which went to the proprietor of the camp.

Here then we have a situation where not only was the line of the defendants hooked up with the line of the plaintiff and a charge made by defendants to plaintiff for such service, but we also find the defendants providing a telephone service to their boarders for which they exact a fee, a part of which fee they retain for themselves. I think this clearly establishes the defendants' line as a public utility line, and I recommend that we so hold.

This being true, I see no reason for defendants now refusing to continue a service which they had heretofore voluntarily accorded plaintiff.

I am satisfied from the evidence that plaintiff can be given the service heretofore rendered without unduly burdening the line of defendants. It may be as testified to by Mr. Follows and other witnesses for defendants, that the line of defendants should not be thrown open to all who wish to attach to it for telephone service. Mr. Follows testified that he and his associates owning the line had refused to connect a number of individual property owners along the line because this would overburden the line and render it useless and inconvenient for the use of the camp, but clearly an exception was voluntarily made in the case of the plaintiff.

The plaintiff alleges that the price of $100 paid for the year 1913 is excessive and that any price above $25 per year is excessive and the prayer is that this Commission fix the rate.

The evidence upon which to base a conclusion as to a proper charge is extremely meager, but I believe that under all the circumstances $50 a year would be a reasonable charge to be made by defendants to plaintiff for the service herein ordered to be given.

Herewith a proposed order:

O R D E R

Complaint having been made by Cold Brook Camp Company, a corporation, against R. C. Pollard, M. H. Daily, R. M. Follows and Camp Rincon Resort Company, a corporation, and a public hearing having been had and the Commission being fully apprised in the premises,

IT IS HEREBY FOUND AS A FACT that the defendants R. M. Follows and Camp Rincon Resort Company, now own and operate a telephone line extending from the mouth of the San Gabriel Canyon to Camp Rincon, and a camp operated by R. M. Follows. That plaintiff owns a telephone line extending from Cold Brook Camp to Camp Rincon, and during the years 1913 and 1914, up to the early part of September of the latter year, the telephone line of plaintiff was connected with the telephone line of said defendants at said Camp Rincon and telephone messages were delivered to, and received on, the line of said defendants from the line of said plaintiff during said time. That early in September, 1914, said defendants disconnected the line of plaintiff at Camp Rincon and have refused to again connect the same.

IT IS HEREBY FURTHER FOUND AS A FACT that said defendants, R. M. Follows and Camp Rincon Resort Company, have been and now are operating said telephone line owned by them as aforesaid as a public utility telephone line, and that it is just and reasonable that the telephone line of the Cold Brook Camp Company aforesaid should again be connected at said Camp Rincon, and that said defendant should again give said plaintiff the service heretofore rendered.

IT IS HEREBY FURTHER FOUND AS A FACT that a just and reasonable rate or charge for such service given by said defendant to said plaintiff is the sum of $50 per year.

Basing its order on the foregoing findings of fact and the further findings of fact set out in the opinion preceding this order,

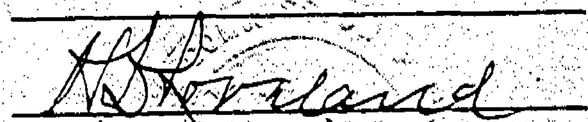
IT IS HEREBY ORDERED by the Railroad Commission of the State of California that R. M. Follows and Camp Rincon Resort Company do, within ten days from the date of this order, connect the telephone line of plaintiff with their telephone line at Camp Rincon and furnish the same service as has heretofore been rendered by said defendants to said plaintiff.

IT IS HEREBY FURTHER ORDERED that the charge to be made by said defendants to said plaintiff for such service is hereby fixed at $50 per year, payable in advance.

The complaint as to defendants R. C. Pollard and Dr. M. H. Daily is hereby dismissed.

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 21st day of October, 1914.



Max Thelen

Edwin O. Edgerton

Commissioners.