

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Montebello Chamber of Commerce,)

Complainant,)

vs.)

Pacific Telephone & Telegraph
Company, a corporation, et al.)

Defendants.)

Case No. 559

Decision No. 1928

M. P. Hopkins for complainant.
Arthur Wright for United States Long Distance
Telephone and Telegraph Company.
James T. Shaw and John G. Mott for the Pacific
Telephone and Telegraph Company.
S. M. Haskins for Pacific Light and Power Cor-
poration.

EDGERTON, Commissioner.

O P I N I O N

This is a complaint against the rates charged for tele-
phone service by Pacific Telephone and Telegraph Company to
residents of the unincorporated territory called Montebello,
which is situated on Whittier Boulevard about half way between
the cities of Los Angeles and Whittier.

The Pacific Telephone and Telegraph Company and Home
Telephone and Telegraph Company are also complained against on
the ground that one of said companies occupied the north side of
Whittier Boulevard, a main thoroughfare through said Montebello,
and the other company occupies the south side of said boulevard.
That as a result, Pacific Light and Power Corporation refuses to
run lines along said Whittier Boulevard because electric power
or lighting wires strung in close proximity to the telephone lines
would disturb telephone service.

We are asked to compel said telephone companies to vacate one side of Whittier Boulevard for one and one-half miles west of Montebello and for one mile east thereof.

At the hearing, the complaint against the rates of Pacific Telephone and Telegraph Company was dismissed. This leaves for consideration only the matter of the location of the telephone lines along each side of Whittier Boulevard.

I think this complaint should be dismissed. Even assuming that this Commission had the power to compel one of these telephone companies to remove its telephone poles and wires from one side of Whittier Boulevard this complaint does not present the matter so that an adjudication can be had by the Commission of the propriety or equity of compelling this to be done.

Even if complainant could prove the allegation that Pacific Light and Power Corporation had refused and is refusing to extend its lines down Whittier Boulevard because of a fear that it would interfere with telephone service, this by no means proves that its refusal is justified or its fears warranted.

The complaint and prayer proceed upon an assumption that Pacific Light and Power Corporation is justified in its refusal to extend along Whittier Boulevard, and that the only remedy open to plaintiff is the removal of one of the telephone lines to the other side of the boulevard. We cannot indulge in these assumptions. It may be that there would be no interference with telephone service if an extension of the power corporation's line is made along this boulevard, or it may be that some less drastic remedy is possible than the removal of the telephone lines and poles.

If plaintiff is desirous of obtaining electric lighting service from Pacific Light and Power Corporation, the proper method to pursue is to demand such service of this corporation and if it refuses, to apply to this Commission for an order compelling service to be given. Thereupon, full consideration can

be had of the whole question involving the duty of this corporation to give this lighting service and to make the extension requested, any possible interference with the telephone service if the extension is made, and the proper basis upon which the service should be given if it be determined that plaintiff is entitled to the extension.

I recommend for the foregoing reasons that the complaint be dismissed without prejudice to proceeding as above suggested.

Herewith a form of order:

O R D E R

Complaint having been made by Montebello Chamber of Commerce against Pacific Telephone and Telegraph Company, a corporation, and United States Long Distance Telephone and Telegraph Company, a corporation, and a hearing having been had and the Commission being fully advised,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that for the reasons set out in the foregoing opinion, the complaint herein be and the same hereby is 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 7th day of November, 1914.

H. H. England
Chas. L. Gordon
Edwin C. Edgerton

Commissioners.