

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Ben Nelson, George H. Walsh,
and R. D. Smith,

Complainants,

Vs.

The Pacific Telephone & Telegraph
Company, a corporation, and Rose-
ville Telephone Company, a cor-
poration,

Defendants.

ORIGINAL

Case No. 833.

Decision No. 2781

J. B. Gibson, for the Complainants.

Jas. T. Shaw, for the Defendants.

GORDON, Commissioner.

O P I N I O N

The complainants in this proceeding are residents of the town of Rocklin, Placer County, California, and are employed by the Southern Pacific Company. Until or about the year 1908, the Southern Pacific Company maintained a roundhouse and yards at Rocklin from which the complainants received their orders and to which they were required to report for duty, and during or about that year the railroad company moved its roundhouse and yards to the town of Roseville about four miles distant from Rocklin. The complainants have purchased their own homes at Rocklin and after the removal of the roundhouse and yards to Roseville by the railroad company they secured the use of two telephone lines between Rocklin and Roseville in order to enable them to be in touch with their work when necessary, being subject at any or all times to call by the railroad company.

One of the defendants, Roseville Telephone Company owns and operates a telephone exchange and system in Roseville and contiguous territory. The town of Rocklin is situated beyond the territory within which the Roseville Telephone Company operates, and it is served or purported to be served by The Pacific Tele-

phone and Telegraph Company, the other defendant in this case. For sometime the lines which the complainants secured for their use terminated on telephones which were located in the roundhouse and in the yard office at Roseville, but had no other connection in Roseville. During the year 1911, the line with which the home of one of the complainants, Mr. Nelson, had connection at Rocklin was connected at Roseville with the Roseville Company's switchboard, thereby affording a means of communication from Rocklin not only with the railroad company's office over the Roseville Company's system, but also with any other telephone connected with the Roseville exchange. Until the month of February, 1914, the only Roseville connection available to the other complainants, Messrs. Walsh and Smith, from their homes in Rocklin was in the railroad company's offices, but during that month the line with which they had connection was also connected with the Roseville Company's switchboard, which likewise gave them access to all telephones in Roseville.

The Pacific Telephone and Telegraph Company owns and is operating long distance toll lines over which communication may be had between these two towns and maintains that any service had between the two towns should be had over its toll lines, but as its Rocklin office closes during certain hours this means of intercommunication is limited. However, having had its attention called to the existence of these connections between complainants' homes in Rocklin and the Roseville Company's switchboard, it notified the Roseville Company that the connections must be removed. The Roseville Company accordingly notified the complainants that the lines would be disconnected from its switchboard, whereupon, and before the notice of disconnection was executed, this complaint was filed with the Commission. Notwithstanding the complaint, however, and before it was set for hearing, the complainants' lines were disconnected. The Commission's attention having been called to this action on the part of the defendants, service was promptly ordered

restored and the connections were re-established pending a hearing of the complaint by the Commission.

The complainants, as previously stated, are subject to call at any and all times by the railroad company and they allege that unless they can be within call at Rocklin at all hours it will be necessary either that they give up their present homes or surrender their positions with the railroad company. They ask, therefore, that the defendants be perpetually restrained from discontinuing their present connections with the Roseville switchboard or until such time as The Pacific Telephone and Telegraph Company shall provide continuous twenty-four hour service in the town of Rocklin to enable them to reach Roseville over its toll lines.

It is, of course, obvious that if the present arrangement is used to any considerable extent or at all by the complainants in calling subscribers at Roseville other than the railroad company's offices, there would be more or less hesitancy on their part to surrender this privilege. It is also obvious that even if continuous service were provided at Rocklin by The Pacific Telephone and Telegraph Company, thereby enabling the complainants to call Roseville or to be called by Roseville at any time necessary, a toll charge would be exacted each time its toll lines were used if connection with the Rocklin exchange were substituted for the present arrangement. However, while recognizing these facts, complainants have testified that their chief necessity is to have continuous access to the roundhouse and yard office in Roseville, and that if The Pacific Telephone and Telegraph Company will provide continuous service at Rocklin to render this possible, they will be willing to surrender the present arrangement and accept service through The Pacific Company's Rocklin exchange.

So far as the defendant, Roseville Telephone Company, is concerned it apparently has become involved in this controversy

through a prior management and that it now has no desire to extend its service beyond the territory within which it may lawfully operate.

The present receipts of the Rocklin exchange, according to The Pacific Telephone and Telegraph Company's testimony, are by far too small to enable it to employ sufficient additional operators to provide continuous service except at a considerable loss. However, by voluntary and mutual agreement of all of the parties to this complaint, it has been agreed that if possible to secure another location for the Rocklin office, which may enable it to provide continuous service without unreasonably increasing the operating expenses, The Pacific Company will do so and will take immediate steps in an effort to bring about this result. It is also agreed that, in the meantime, The Pacific Company will proceed to restore the former connections in the roundhouse and yard office for the use of Complainants Walsh and Smith and upon the completion of these connections will discontinue their present connection with the Roseville switchboard, this change to be made at the sole expense of The Pacific Company and to continue until continuous service at Rocklin shall have become an accomplished fact. It is further agreed that the present connection of Complainant Nelson's line with the Roseville switchboard shall not be disturbed until such time as continuous twenty-four hour service may be established at Rocklin, and that after this has been arranged Complainant Nelson's connection with the Roseville switchboard and Complainants Walsh and Smith's connections, which are for the present to be restored in the roundhouse and yard office, will be discontinued and that the complainants will accept service through The Pacific Company's Rocklin exchange.

Without expressing an opinion as to any of the issues involved in this complaint, there is now apparently no reasonable

objection to the agreement voluntarily proposed by the complainants and the defendants, and I shall accordingly recommend that the complaint be dismissed as to Complainants Walsh and Smith and that, until such time as twenty-four hour service may be established at Rocklin by The Pacific Telephone and Telegraph Company, Complainant Nelson's present service shall not be disturbed.

O R D E R

Complaint having been made to this Commission by Ben Nelson, George H. Walsh and R. D. Smith, complainants, vs. The Pacific Telephone and Telegraph Company, a corporation, and Roseville Telephone Company, a corporation, defendants, protesting against the discontinuance of the said complainants' present service at Roseville, California, by said defendants, and asking that the said defendants be perpetually restrained therefrom or until such time as The Pacific Telephone and Telegraph Company shall provide continuous service in the town of Rocklin, and a hearing having been held and an agreement having been voluntarily entered into between the said complainants and the said defendants for the mutual adjustment of this complaint, as set forth in the preceding opinion, and a stipulation agreeing to its dismissal having been filed with this Commission,-

IT IS HEREBY ORDERED that, as to Complainants Walsh and Smith, the complaint be and it is hereby dismissed without prejudice.

AND IT IS HEREBY FURTHER ORDERED that, until such time as continuous service may be provided by The Pacific Telephone and Telegraph Company at its Rocklin exchange or until the further order of this Commission, the present connection of Complainant Nelson's line with the Roseville switchboard of the Roseville Telephone Company shall not be disturbed.

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 24th day of September, 1915.

Max Shellen
H. B. Howard
W. J. Gordon
Edwin O. Edgerton
Frank R. Wilson

Commissioners.