

Decision No. _____

ORIGINAL

Decision No.

3687

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 Downey Home Telephone and Telegraph)
 Company for an order extending time) Application No. 2342
 for compliance with Chapter 499,)
 Laws of 1911, as amended by Chapter)
 600, Laws of 1915.)

A. Wardman for Downey Home Telephone and
 Telegraph Company.
 J. Morgenthauer, H. G. Greene and C. W.
 McAlpin for Electric Workers.

THELEN and DEVLIN, Commissioners.

O P I N I O N

This is a petition for an order extending the
 time for compliance with the provisions of Chapter 499,
 Laws of 1911, as amended by Chapter 600, Laws of 1915,
 referring to the construction, reconstruction, maintenance
 and use of electric poles, wires, cables and appliances.

A public hearing in this proceeding was held in
 Los Angeles on July 19, 1916.

For a statement of the law governing proceedings
 of this character and of the principles guiding the Railroad
 Commission in its decision therein, reference is hereby made
 to the decision this day rendered in Application No. 2222,
 Los Angeles Gas and Electric Corporation et al.

Petitioner owns and operates a telephone system in
 the towns of Downey, Norwalk, Artesia and Bellflower, and in
 the territory adjacent to these towns in Los Angeles County.

The testimony shows that petitioner's system is located entirely in unincorporated territory. Mr. A. W. Wardman, petitioner's Secretary and Manager, testified that all construction and reconstruction subsequent to the effective date of Chapter 499, Laws of 1911, has complied with the statute. He testified that at the present time the only violations of the statute are a case or two of attachment of cables to poles in a manner other than that specified by the statute and a number of instances in which power companies have constructed their lines over petitioner's telephone lines with vertical clearances less than those specified in the statute.

Mr. Wardman testified that all the work necessary to be done by his company could be done in six months if a gang were employed constantly on the work. The petition asks an extension of three years. Mr. Wardman testified at the hearing that petitioner would prefer to have an extension of two years, although petitioner will make an effort to comply with the statute in one year or less. The approximate cost of the work will not exceed \$1,500.00.

After careful consideration of all the factors entering into the problem, we have reached the conclusion that an extension of time until December 31, 1917 should be granted to petitioner, on the conditions specified in the order herein.

We submit the following form of order:

O R D E R

Downey Home Telephone and Telegraph Company
having applied for an order extending the time within
which to comply with the provisions of Chapter 499,
Laws of 1911, as amended by Chapter 600, Laws of 1915,
and a public hearing having been held,

IT IS HEREBY ORDERED as follows:

1. The time within which petitioner herein
shall reconstruct its existing system so as to comply
completely with the provisions of Chapter 499, Laws
of 1911, as amended by Chapter 600, Laws of 1915, is
hereby extended to and including December 31, 1917,
on condition that at least one-half of the reconstruc-
tion work necessary to be done shall be completed on or
before June 30, 1917, and the entire work on or before
December 31, 1917.

2. At the times herein directed, petitioner
shall file with the Railroad Commission, on forms to be
supplied by the Railroad Commission, progress reports
showing, in such detail as will be prescribed by the Rail-
road Commission, the extent to which the necessary recon-
struction work has been performed during the period cover-
ed by the report and also the extent to which reconstruc-
tion work remains to be done in order that the property
will comply with the provisions of Chapter 499, Laws of
1911, as amended by Chapter 600, Laws of 1915. The
first report shall cover the period ending December 31,
1916, and shall be filed with the Railroad Commission
within fifteen days subsequent thereto. The succeed-

ing reports shall cover the succeeding six months' periods, respectively, and shall be filed on or before the expiration of fifteen days after the termination of each such succeeding period of six months.

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 September, 1916.

Max Thelen

H. D. Howard

Edwin U. Edgerton

Gaun R. Dyer

Commissioners.