

Decision No. 378

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of Eel)
 River and Southern Telephone Company)
 of Ferndale, Humboldt County, California,)
 for an order authorizing the filing, pub-)
 lication and application of certain tele-) Application No. 184.
 phone rates in lieu of the rates filed)
 with the Railroad Commission on April 10,)
 1912, and the supplements thereto filed)
 on May 2, 1912, and June 20, 1912.)

A. W. Blackburn representing Eel River and Southern Telephone Company.

O P I N I O N

Gordon, Commissioner.

This application is "for an order authorizing the filing, publication and application of certain telephone rates in lieu of the rates filed with the Railroad Commission on April 10, 1912, and the supplements thereto filed on May 21, 1912, and June 20, 1912."

In effect, the granting of this application would be the application of the uniform schedule of rates which this company asserts is, and seeks to have recognized as, the standard rates covering their service. In so far as the effectiveness of the so-called standard rates, constituting the rates filed on April 10, 1912, with this Commission, is concerned they are in full force and effect as far as they were actually applied on October 10, 1912. Following the precedent already established by this Commission, they are recognized as the rates applicable in the case of new business and in the case of such subscribers as may change their location and thereby place themselves in the attitude of new subscribers.

Such rates as were in effect on October 10, 1911, as may diverge from these so-called standards are fully provided for by this Commission's General Order No. 15, and the present application is in effect a petition for permission to arbitrarily apply to these the

standard schedules referred to.

The evidence discloses that the Eel River and Southern Telephone Company is operating a plant bought from The Pacific Telephone and Telegraph Company, and is operating in a field by virtue of contract relations with The Pacific Telephone and Telegraph Company, and that such purchase was made and such contract entered into without any adequate distinction being made as to certain existing equities in the plant concerned. It was unquestionably demonstrated that many of the conditions, based upon former investments made by individuals in plant now being used to render the service involved, invalidated this company's claim to the right of generally applying their so-called standard rates, in lieu of rates as they existed on October 10, 1911.

I submit herewith the following form of order.

O R D E R

The Eel and Southern Telephone Company, of Ferndale, Humboldt County, California, having made application "for an order authorizing the filing, publication and application of certain telephone rates in lieu of the rates filed with the Railroad Commission on April 10, 1912, and the supplements thereto filed on May 21, 1912, and June 20, 1912," and a public hearing having been held thereon,

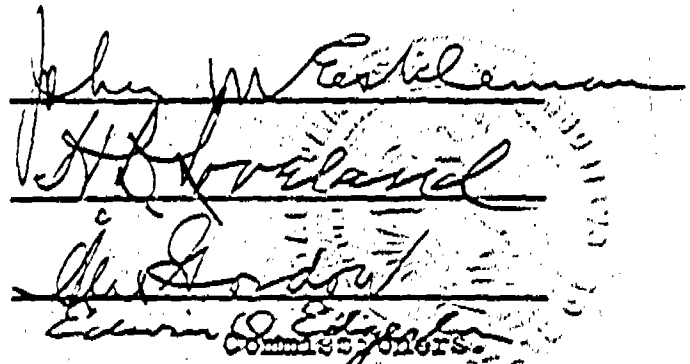
IT IS HEREBY ORDERED that the application of the Eel River and Southern Telephone Company be and the same hereby is denied, and that applicant be and it hereby is directed to continue, until the further order of this Commission, in full force and effect such rates as were in effect on October 10, 1911, for the several classes of telephone service involved.

AND BE IT FURTHER ORDERED that for new business, or such business as may be so regarded by virtue of a new location on the part of existing subscribers, the Eel River and Southern

Telephone Company shall apply the rates heretofore filed with this Commission on April 10, 1912, constituting its so-called standard rates for the several classes of service involved.

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 30th day of December, 1912.


The seal is circular with the text "RAILROAD COMMISSION OF CALIFORNIA" around the perimeter. The signatures are: John W. Eastman, H. B. Cleveland, and Edwin O. Edwards. Below the signatures, the word "Commissioners" is printed.