

# ORIGINAL

Decision No. 3836

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application )  
of THE PACIFIC TELEPHONE AND )  
TELEGRAPH COMPANY for an order )  
of the Railroad Commission )  
declaring that public convenience ) Application No. 2592.  
and necessity require the exercise )  
by petitioner of the rights and )  
privileges granted by Ordinance )  
No. 108 of the City of Vernon, )  
approved on April 22, 1913. )

Pillsbury, Madison & Sutro, by H. D. Pillsbury,  
and James T. Shaw for The Pacific Telephone  
and Telegraph Company.

REEBEN and GORDON, Commissioners.

## O P I N I O N.

This is a petition by The Pacific Telephone and Telegraph Company asking that the Railroad Commission make its order declaring that public convenience and necessity require the exercise by petitioner of the rights and privileges granted by Ordinance No. 108 of the City of Vernon, Los Angeles County, approved on April 22, 1913.

A public hearing in this proceeding was held in Los Angeles on October 17, 1916. No one appeared in opposition to the granting of the petition.

On August 30, 1912, The Pacific Telephone and Telegraph Company filed with the Board of Trustees of the City of Vernon a petition asking that the Board of Trustees advertise and sell a telephone and telegraph franchise.

Ordinance No. 108 of the City of Vernon, approved on April 22, 1913, grants to The Pacific Telephone and Telegraph Company, its successors and assigns, the right to construct, maintain and operate a system for the transmission of electric

energy for telephone and telegraph purposes in, upon and under the streets and other public places of the City of Vernon. The ordinance contains the usual provisions of the Broughton Act, including the annual payment to the City of Vernon of 2 per cent of the gross receipts from the exercise of the franchise rights.

The term of the franchise is 50 years from and after the date of the granting of <sup>the</sup> same.

The ordinance contains provisions with reference to the use of the streets of the City of Vernon by the grantee, its successors and assigns; provides that the City, if necessary, shall have the free use of all necessary conductors, not exceeding three pair, in the grantee's conduits for the operation of the City's fire alarm and police telegraph systems and the free use of three pins on the top cross-arm of all poles for the same purpose, and grants to the City the right to use five free telephones for public purposes. The ordinance contains other provisions to which it is not necessary here to refer.

We recommend that the petition be granted, subject to the conditions contained in the order herein, and submit the following form of order.

#### ORDER

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY having filed its petition herein asking that the Railroad Commission make its order as specified in the opinion which precedes this order and a public hearing having been held and the Railroad Commission being fully advised,

THE RAILROAD COMMISSION HEREBY DECLARES that public convenience and necessity require the exercise by The Pacific Telephone and Telegraph Company, its successors and assigns, of the rights and privileges conferred by Ordinance No.108 of the City of Vernon, approved on April 22, 1913, provided that The Pacific Telephone and Telegraph Company shall first have filed

with the Railroad Commission a stipulation, duly authorized by its Board of Directors, agreeing for itself, its successors and assigns, that they will never claim before the Railroad Commission or any other public authority, any value for the rights and privileges conferred by said Ordinance No. 108 of the City of Vernon, in excess of the amount paid therefor at the time said ordinance was adopted, which amount shall be specified in said stipulation, and shall have received from the Railroad Commission a supplemental order reciting that such stipulation, in form satisfactory to the Railroad Commission, has been filed herein.

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 2nd day  
<sup>November</sup>  
of ~~October~~, 1916.

Max Thelen  
A. D. Howard  
W. E. Godwin  
Frank R. DeWitt  
Commissioners.