

ORIGINAL

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 con- )  
venience and necessity require the )  
exercise by Petitioner of the rights )  
and privileges conferred upon it by )  
Ordinance No. 208 of the City of )  
Woodland. )

Application No. 2635.

Pillsbury, Madison and Sutro, by H. D. Pillsbury,  
and James T. Shaw, for Petitioner.

TEBLEN and GORDON, Commissioners.

O P I N I O N.

This is a petition by The Pacific Telephone and Telegraph Company, hereinafter referred to as the Pacific 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 to it by Ordinance No. 208 of the City of Woodland, adopted on August 3, 1914.

A public hearing herein was held in San Francisco on December 21, 1916. No one appeared in opposition to the granting of the application.

An earlier franchise granted to the predecessors of the Pacific Company for operation within Woodland expired on December 5, 1913. Thereafter, the Pacific Company filed with the Board of Trustees of Woodland a petition asking that the Board of Trustees advertise and sell to the highest bidder a new telephone and telegraph franchise.

Ordinance No. 208 of the City of Woodland, adopted on August 3, 1914, grants to The Pacific Telephone and Telegraph Company, its successors and assigns, for the term of 25 years after the date of the passage of the ordinance, the right to do

a general telephone and telegraph business within the City of Woodland and, in general, to construct, operate and maintain a telephone and telegraph system on and along the public streets and other places of the City of Woodland.

Ordinance No. 208 of the City of Woodland contains provisions with reference to the use of the streets, and the making of excavations therein, the improvement of the streets, the removal of overhead construction, the use of overhead and underground construction for low tension police and fire alarm purposes in the City of Woodland to the extent indicated in the ordinance, and the payment by the grantee of the franchise, its successors and assigns, of a percentage of the gross revenue resulting from the operation under the franchise, as provided by the Broughton Act.

Section 14 of the ordinance contains provisions for the acquisition by the City of Woodland of the local business of the Pacific Company, its successors and assigns, and the property in connection therewith.

The ordinance provides that the rights and privileges granted therein shall not be exclusive. The ordinance contains other provisions to which it is not necessary now to refer.

The Pacific Company has hitherto failed to make the necessary application to the Railroad Commission for a certificate of public convenience and necessity authorizing it to exercise the rights granted by Ordinance No. 208. The failure to make such application to the Railroad Commission was due to the belief of the officials of the Telephone Company that such application was not necessary.

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

O R D E R.

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, 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. 208 of the City of Woodland, adopted on August 3, 1914, 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 it or 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. 208 of the City of Woodland, 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 \_\_\_\_\_ day of December, 1916.

Max Thelen  
Wm. G. Ford  
Edwin O. Edgerton  
Frank R. Brown  
Commissioners.