

# ORIGINAL

Decision No. 4091

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Decision No. \_\_\_\_\_

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	)	
declaring that public convenience	)	
and necessity require the exer-	)	Appl. No. 2709
cise by it of the rights and	)	
privileges conferred upon it by	)	
Ordinance No. 169 of the City of	)	
Selma.	)	

Pillsbury, Madison & Sutro and  
James T. Shaw, for Applicant.

BY THE COMMISSION.

O P I N I O N

This is an application by The Pacific Telephone and Telegraph Company requesting the Railroad Commission to make its order declaring that public convenience and necessity require the exercise by applicant of the rights and privileges granted to it by Ordinance No. 169 of the City of Selma, Fresno County, on June 15th, 1914.

A public hearing was held in San Francisco, January 20th, 1917, the testimony being taken by Examiner Bancroft.

From the evidence it appears that prior to the month of May, 1914, the Board of Trustees of the City of

Selma suggested to applicant that it procure a franchise for the maintenance and operation of its telephone plant in said City; that thereafter the Company made an oral application for such franchise and in compliance with said application, on June 15th, 1914, the Board of Trustees of said City of Selma passed Ordinance No. 169, hereinafter more particularly described.

The Ordinance grants to The Pacific Telephone and Telegraph Company, for the term of twenty-five years from the date of its passage, the right and privilege to do a general telephone and telegraph business within the City of Selma, and to place, erect, lay, maintain and operate in and under the streets, avenues, alleys, thoroughfares and public highways within said City, poles, wires and other appliances and conductors for the transmission of electricity for telephone and telegraph purposes. It is provided that applicant, its successors and assigns, shall have the right to make all needful excavations in any of the streets or other public places above named in said City of Selma for the purpose of placing, erecting, laying and maintaining poles or other conductors for said wires, provided that all said work shall be done in compliance with the reasonable rules, regulations, ordinances or orders which may, during the continuance of said franchise, be adopted from time to time by the City of Selma.

The Ordinance provides for the proper restoration and repairing of the streets after they may be disturbed by applicant and also contains provisions protecting the City's rights in regard to sewerage, grading, planking, paving, repairing, altering, or improving any of the streets or other

Public places within said City, and provides that the City of Selma shall have the right and privilege to place, where aerial construction exists, a fixture erected and maintained under the said franchise, to which may be attached wires, not exceeding four in number, and where underground conduits exist, applicant shall furnish said City with one duct in its underground system, or two pairs of wires in its underground cable, free of charge to said City, to be used for low tension police and fire alarm purposes.

The Ordinance also contains a provision for the payment annually by said applicant to said City of 2% of the gross receipts arising from the exercise of said franchise, subject to the provisions, however, that no percentage shall be paid for the first five years from and after the effective date of the Ordinance.

The Ordinance contains certain other provisions which need not be considered at this time.

It further appears that applicant for some years past has been operating a telephone exchange in said City of Selma, that it has at present 404 subscribers to said exchange, that there is no other telephone service or exchange operated in said territory and that applicant's failure to make the necessary application to this Commission for a certificate of public convenience and necessity in connection with said territory was due solely to the belief of applicant's officers that it was not necessary for it to obtain such authority.

We are of the opinion that the application should be granted, subject to the conditions contained in the following order:

C R D E R

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY having filed the above entitled application, asking the Railroad Commission to make its order as specified in the opinion herein, and a public hearing having been held upon said application, 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. 169 of the City of Selma, approved June 15th, 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 they will never claim before the Railroad Commission of the State of California or any other public authority any value for the rights and privileges conferred by said Ordinance No. 169 of the City of Selma in excess of the actual cost thereof to applicant, which cost shall be stated in said stipulation, and shall have secured from this Commission a supplemental order herein declaring that such stipulation satisfactory to this Commission has been filed.

Dated at San Francisco, California this 7th  
day of February, 1917.

Max Shelton  
Arthur J. Boardman  
Alfred J. Boardman  
Frank R. Debus  
Commissioners.