

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

ORIGINAL

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 The Pacific Telephone and Telegraph  
 Company, a corporation, for an order  
 of the Railroad Commission of the  
 State of California granting it a  
 certificate that public convenience  
 and necessity require the exercise  
 by it of the rights and privileges  
 conferred upon it under the franchise  
 granted it by the Board of Trustees  
 of the Town of Newman by Ordinance  
 No. 76 on the 13th day of March, 1917.

Application No. 2911.

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

BY THE COMMISSION.

O P I N I O N

This is a petition by The Pacific Telephone and Telegraph Company, a corporation, 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. 76 by the Town of Newman, adopted on March 13, 1917.

A public hearing was held in San Francisco on May 26, 1917. No one appeared in objection to the granting of the petition.

On July 25, 1916, The Pacific Company filed with the town of Newman a petition asking that the Board of Trustees advertise and sell to the highest bidder a telephone and telegraph franchise.

Ordinance No. 76 of the Town of Newman, adopted on March 13, 1917, grants to The Pacific Company, its successors and assigns, for a period of twenty-five years from and after the date of the

ordinance, the right to do a general telephone and telegraph business within the town of Newman and, in general, to construct, operate and maintain a telephone and telegraph system on and along the public streets and other public places of the town of Newman.

Ordinance No. 76 contains provisions with reference to the use of the streets by the grantee of the franchise and construction thereon, including excavations therein, changes in construction due to street improvements, the free use by the town of Newman of the poles and underground conduits of the grantee to the extent indicated for low tension police and fire alarm purposes, and for the payment, after the first five years succeeding the date of going into effect of the ordinance granting said franchise, of two per cent. of the gross annual receipts of the grantee, its successors and assigns, arising from the use, operation or possession of said franchise and privilege and any telephone or telegraph system to be constructed under and in pursuance of said franchise and privilege, as provided for by the Broughton Act.

The franchise contains other provisions to which it is not necessary here to refer.

The cost to petitioner of said franchise was the sum of \$120.00, as follows:

Bid for franchise.....	\$100.00
Cost of Publishing Notice of Sale of Franchise	<u>20.00</u>
Total.....	\$120.00

The Pacific Company and its predecessors have been operating for many years in the territory within the corporate limits of the town of Newman, and it now has no competition in said town.

The petition should, in our opinion, be granted, subject to conditions contained in the following order.

## ORDER

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 on 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. 76, adopted by the Board of Trustees of the Town of Newman on March 13, 1917, entitled "An Ordinance granting to The Pacific Telephone and Telegraph Company, its successors and assigns, the right to place, erect and maintain poles, wires and other appliances and conductors, and to lay underground conductors for wires for the transmission of electricity for telephone and telegraph purposes, in, upon, and under the streets, alleys, avenues, thoroughfares and public highways, in the Town of Newman, State of California, and to exercise the privilege of operating telephone and telegraph instruments and of doing a telephone and telegraph business within said Town of Newman"; 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 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 Ordinance No. 76 of the Town of Newman, above referred to, 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, in form satisfactory to this Commission  
has been filed.

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

Max Thelen  
H. H. Howard  
W. L. Gordon  
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Commissioners.