

Decision No. ✓

ORIGINAL

Decision No. 21647

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
 Santa Barbara Telephone Company for)
 modifications as to time and condi-)
 tions of compliance with Chapter 600)
 of the Laws of the State of California,) Application No. 2790
 approved June 1, 1915, and Chapter 499)
 of the Laws of the State of California,)
 approved April 22, 1911.)

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

J. Morgenthauer for Pacific District
Council No.1, I.B.E.W.

GORDON, Commissioner.

O P I N I O N .

This is a petition for an order extending the time for compliance with the provisions of Chapter 499, Laws of 1911 as amended by Chapter 600, Laws of 1915, referring to the construction, reconstruction, maintenance and use of electric poles, wires, cables and appliances. Petitioner also asks for an order exempting it from compliance with the provisions of Section 1 (a) of the statute referring to horizontal clearances in so far as petitioner's telephone toll lines are concerned.

A public hearing in this proceeding was held in San Francisco on April 24, 1917.

For a statement of the law governing proceedings of this character and of the principles guiding the Railroad Commission in its

decisions therein, apart from the matter of exemption of telephone toll lines from the provisions of the statute with reference to horizontal clearances, reference is hereby made to the decision rendered on September 26, 1916, in Application No. 2222, Los Angeles Gas and Electric Corporation et al. For a statement of the law governing exemptions from the provisions of the statute in so far as horizontal clearances of telephone toll lines are concerned, and of the facts bearing on such exemption, reference is hereby made to the decision rendered on September 30, 1916, in Application No. 2109, The Pacific Telephone and Telegraph Company et al. Petitioner asks that in so far as the matter of exemption from the provisions of Section 1 (a) of the statute, in so far as the horizontal clearances of telephone toll lines are concerned, its petition might be decided on the evidence on this point introduced by The Pacific Telephone and Telegraph Company in Application No. 2109, which request was granted.

Petitioner is engaged in a general telephone and telegraph business throughout Santa Barbara County and owns and operates local telephone exchanges in addition to telephone toll lines throughout the county. It purchased its property from The Pacific Telephone and Telegraph Company, Home Telephone and Telegraph Company of Santa Barbara and Home Telephone and Telegraph Company of Santa Barbara County on December 1, 1916.

Petitioner represents that so far as that portion of its property which was formerly owned by The Pacific Telephone and Telegraph Company is concerned, The Pacific Company has taken every step essential to compliance with the intent and purpose of the statute and has completed from 50 to 60 per cent. of such reconstruction as was necessary to comply with the statute. It represents further that from 30 to 40 per cent. of the property of its predecessors,

Home Telephone and Telegraph Company of Santa Barbara and Home Telephone and Telegraph Company of Santa Barbara County, requiring reconstruction to comply with the statute, had also been completed prior to the acquisition of the property by petitioner. That since petitioner acquired these various properties, it has completed approximately 2 per cent. of the remaining infractions. It represents further that to take such further steps immediately as would be necessary for complete compliance with the statute would entail an expenditure of approximately \$21,000.00, exclusive of its telephone toll lines, and asks that it be granted an extension of time to January 1, 1924, for the completion of this work. The infractions which remain to be corrected consist principally of the following:-

- Horizontal separation at poles.
- Horizontal separation from foreign poles or wires.
- Separation from and between electric light wires.
- Insulating guys.
- Insulation of vertical runs on poles.
- Re-enforcing messenger clamps.

In so far as that portion of petitioner's property which it acquired from The Pacific Telephone and Telegraph Company is concerned, the Commission has heretofore rendered its decision, hereinabove referred to, granting an extension of time to and including June 30, 1919, on condition that at least one-third of the reconstruction work necessary to be done shall be completed on or before June 30, 1917, at least two-thirds on or before June 30, 1918, and the entire work on or before June 30, 1919, inclusive of the property which it then owned in Santa Barbara County and which has since been acquired by petitioner.

In so far as the property which petitioner has acquired from the Home Telephone and Telegraph Company of Santa Barbara and from the Home Telephone and Telegraph Company of Santa Barbara County is concerned, the Commission consented to withhold action pending the outcome of negotiations which were then under way looking forward to a

consolidation of telephone properties in Santa Barbara County.

In so far as the present proceedings are concerned, the Commission's order herein will have reference only to that portion of petitioner's property which it acquired from the two Home companies hereinabove referred to.

Petitioner at the time of the hearing in this proceeding could not present a statement segregating the total cost of reconstruction as between the property formerly owned by The Pacific Telephone and Telegraph Company and that formerly owned by the Home companies. Subsequent to the hearing, however, petitioner has submitted a statement covering the necessary reconstruction of the properties of the former Home companies. This statement represents that the cost of reconstructing this portion of its property, exclusive of telephone toll lines, will be \$12,747.97. The Commission's engineers have carefully examined this statement and have made an inspection on the ground for the purpose of determining whether or not the statement reasonably represents the cost of the necessary reconstruction. It appears from this investigation that petitioner has included in this statement the cost of doing certain work outside of incorporated territory, principally in the city of Montecito, which the statute does not require to be reconstructed. The reconstruction thus included by petitioner, together with a small amount which should have been allowed for salvage, amounts to approximately \$2,500.00, which, in our opinion, may properly be excluded from the estimated total cost of reconstructing that portion of petitioner's property not already included in the order of the Commission above referred to.

According to the testimony, petitioner could with its present force, if the work were immediately undertaken and continuously carried forward, complete all of the necessary reconstruction within

a year and a half. It appears, therefore, that since the Commission has heretofore granted The Pacific Telephone and Telegraph Company an extension of time to and including June 30, 1919, for the completion of its reconstruction, inclusive of the property which it then owned in Santa Barbara County, petitioner should be granted a similar extension for the reconstruction of its lines, exclusive of its telephone toll lines.

For the reasons stated in the decision rendered on September 30, 1916, in Application No. 2109, The Pacific Telephone and Telegraph Company et al., we are of the opinion that the petitioner herein should be exempted from the provisions of Section 1 (a) of the statute referring to horizontal clearances of telephone toll lines.

We submit the following form of order:

ORDER

Santa Barbara Telephone Company having applied for an order extending the time within which to comply with the provisions of Chapter 499, Laws of 1911 as amended by Chapter 600, Laws of 1915, and for an exemption from the provisions of said statutes in so far as horizontal clearances of telephone toll lines are concerned, and a public hearing having been held, IT IS HEREBY ORDERED as follows:-

(1) Santa Barbara Telephone Company is hereby granted an exemption from the provisions of Section 1 (a) of Chapter 499, Laws of 1911 as amended by Chapter 600, Laws of 1915, in so far as telephone toll lines are concerned.

(2) The time within which petitioner herein shall reconstruct that portion of its existing system which was acquired on December 1, 1916, from Home Telephone and Telegraph Company of Santa Barbara and Home Telephone and Telegraph Company of Santa Barbara County, so as to comply completely with the provisions of Chapter 499, Laws of

1911 as amended by Chapter 600, Laws of 1915, apart from horizontal clearances in connection with telephone toll lines, is hereby extended to and including June 30, 1919, on condition that at least two-thirds of the reconstruction work necessary to be done shall be completed on or before June 30, 1918, and the entire work on or before June 30, 1919.

(3) At the times herein directed, petitioner shall file with the Railroad Commission, on forms to be supplied by the Railroad Commission, progress reports showing in such detail as will be prescribed by the Railroad Commission the extent to which the necessary reconstruction work has been performed during the period covered by the report and also the extent to which reconstruction work remains to be done in order that the property will comply with the provisions of Chapter 499, Laws of 1911 as amended by Chapter 600, Laws of 1915, except in the matter of horizontal clearances of telephone toll lines. The first report shall cover the period ending December 31, 1917, and shall be filed with the Railroad Commission within fifteen days subsequent thereto. The succeeding reports shall cover the succeeding six month periods, respectively, and shall be filed on or before the expiration of fifteen days after the termination of each succeeding period of six months.

(4) The provisions of the decision rendered on April 30, 1916, in Application No. 2109, The Pacific Telephone and Telegraph Company et al, shall govern with reference to the reconstruction work necessary to be done in connection with that portion of petitioner's property which was acquired on December 1, 1916, from The Pacific Telephone and Telegraph Company, provided that the first report showing the extent to which the necessary reconstruction work has been performed as provided in Paragraph 3 of the decision herein referred to, shall cover the period ending December 31, 1917, and shall be filed with the Railroad Commission within fifteen days subsequent thereto,

and provided further that the succeeding reports shall be filed in the manner and at the times heretofore provided in said decision.

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 19th day of September, 1917.

Max Thelen

W. H. Loveland

Edwin O. Edgerton

Commissioners.