

ORIGINAL

Decision No.           

Decision No. 5321

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

A. V. Storer,

Complainant,

Vs.

Case No. 1185.

Pomona Valley Telephone  
and Telegraph Union,

Defendant.

A. V. Storer in propria persona.  
D. S. Parker for defendant.

BY THE COMMISSION.

OPINION

This is a complaint to compel the defendant, Pomona Valley Telephone and Telegraph Union, a corporation, to refund to complainant the sum of \$3.50 paid by complainant to defendant for the establishment of telephone service at 523 North Gordon Street in the City of Pomona, which refund complainant urges should be made under the provisions of the rules and regulations of defendant on file with the Railroad Commission and in effect.

The particular rule of defendant applying in this case permits defendant to exact the payment of \$3.50 for the establishment of service under certain specified conditions. It provides also for the return of this payment to the subscriber after and if service shall have been continuous at the address of installation for twelve months.

Complainant's service at 523 North Gordon Street was continuous from September 19, 1916, to August 30, 1917, according to the evidence, nineteen days less than the twelve months' period specified in defendant's rule providing for the return of the payment.

Payment of service charges for the remaining nineteen days was tendered by complainant and accepted by defendant prior to the expiration of the twelve months' period, but this payment was later returned and the return of the payment of the \$3.50 originally exacted for the establishment of service refused by defendant.

In the opinion of the Commission, defendant's refusal to return to complainant the amount of the charge referred to is not, in view of all of the circumstances as shown by the evidence, in keeping with the spirit and purpose of the rule permitting the charge and providing for its proper return to the subscriber.

ORDER

A. V. Storer having filed complaint with the Railroad Commission versus Pomona Valley Telephone and Telegraph Union, in the above entitled proceeding, and a public hearing having been held and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that Pomona Valley Telephone and Telegraph Union at once refund to A. V. Storer the service installation charge of \$3.50 collected September 19, 1916, under the provisions of its rules and regulations for telephone service at 523 North Gordon Street, Pomona, California.

Dated at San Francisco, California, this 17th day of April, 1918.

Max Thelen  
H. Lovland  
Alfred Gordon  
Edwin O. Edgerton  
Frank R. White  
Commissioners.