

ORIGINAL

Decision No. 7047

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GEORGE MURRAY CLARK,

Complainant,

vs.

SEMMEX INCE and WILLIAM DE CARTERET,

Defendants.

Case No. 1360.

George Murray Clark, in propria persona.

William De Carteret, for defendants.

BRUNDIGE, Commissioner.

O P I N I O N

In this case, George Murray Clark alleges that he constructed a telephone line from the City of Placerville, El Dorado County, to the property known as the River Hill Mine, during the year 1907; that this line, which is about one and one-half miles in length, was built entirely at his own expense; that he and his father had exclusive use of this line for his properties from 1907 to 1919, with the exception of a short period of time when another party was connected with the line, but which party was later removed from same by the defendants at Mr. Clark's request; and that he had paid a monthly rental of \$1.25 for the use of this line from 1907 to

January, 1919.

It developed during the hearing that Mr. Clark did not claim to own the material used in the construction of the line, but that he had furnished the labor, which he estimated at a cost of about \$200.00, to build it. It was also brought out that the rate which Mr. Clark was enjoying during this period was due, not to a written agreement but to a verbal understanding between himself and an employee of the Sunset Telephone and Telegraph Company, now the Pacific Telephone and Telegraph Company.

It is my opinion that this case is analogous to thousands of other cases in this state wherein a party contributes a portion of the cost of building a line in order that he may receive telephone service in an isolated place. I further believe that Mr. Clark has been repaid to a great extent for his assistance in the construction of this line by receiving main line telephone service for about twelve years at a rate which is lower than that paid by subscribers within the City of Placerville for four-party line service. For this reason it is my recommendation that he be required to pay the same rate for his service as that required from other subscribers within the city limits of Placerville having the same class of service, so long as he shall bear the whole cost of maintaining in good condition that part of the line located outside the city limits. It is my opinion, however, that Mr. Clark has sufficient equity in the line to warrant his having exclusive use of it if he desires to pay one-party line rates, or, if he chooses to permit other parties on the line outside the city limits, who will share the cost of maintenance with him, each party should pay the same rate as that charged for similar service

within the Placerville city limits. In no case shall the defendants connect a subscriber with this line without the written consent of Mr. Clark.

I recommend the following form of order:

O R D E R

George Murray Clark, having filed with the Commission a formal complaint against Mr. Shelley Inch and Mr. William De Carteret concerning a telephone line which he assisted in constructing, a public hearing having been held and the Commission, being fully apprised of the premises, finding as a fact that the majority of the allegations are unsubstantiated,

IT IS HEREBY ORDERED that the complainant be required to stipulate to the defendants, within thirty (30) days, the class of service he desires and that the defendants be required to fulfil the conditions as set forth in the foregoing Opinion.

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 17<sup>th</sup> day of January, 1920.

Edwin C. Fitzgerald  
H. D. Lovell  
Frank K. Kern  
H. K. Amundson  
Waring M. Austin  
Commissioners.