

Decision No. 7481

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PARLIER CHAMBER OF COMMERCE,)
 Complainant,)
 vs)
 THE PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY,)
 Defendant.)

Case No. 1370

C. A. Parlier and H. L. Suderman, for
Parlier Chamber of Commerce,

James Shaw and J. E. Thomas, for The
Pacific Telephone & Telegraph Company.

A. Terkel for the Reedley Telephone Company.

BRUNDIGE, Commissioner.

O P I N I O N

The Parlier Chamber of Commerce, complainant in this case, asks the Commission to order The Pacific Telephone and Telegraph Company, the defendant, to establish a telephone exchange, and to render adequate and efficient telephone service in the town of Parlier and vicinity, in Fresno County.

A hearing was held at Parlier, December 10, 1919. At that time the Reedley Telephone Company, by its manager, A. Terkel, appeared, and represented that a number of years previously the telephone exchange in the town of Reedley had been purchased by the predecessor of the present company from The Pacific Telephone and Telegraph Company, at which time The Pacific Telephone and

Telegraph Company had entered into a connecting agreement with the predecessor of the Reedley Telephone Company, under the terms of which The Pacific Telephone and Telegraph Company agreed not to build any exchange or toll lines within a territory bounded by a circle the radius of which extended five miles from the center of the town of Reedley. The town of Parlier lies just within the above described territory which the Reedley Telephone Company holds itself out to serve, but the Reedley Company never has actually given telephone service to the people in the town of Parlier or in the territory immediately adjacent thereto.

The Reedley Telephone Company admitted that necessity existed for the establishment of a telephone exchange in the town of Parlier, and expressed its willingness to establish such exchange provided it could receive necessary assurance of support from the people living in the territory to be served.

The Pacific Telephone and Telegraph Company also admitted the necessity which existed for the establishment of an exchange in the town of Parlier, but called attention to the connecting agreement existing between itself and the Reedley Telephone Company, and expressed its reluctance to do anything violative of the terms of that agreement. The Pacific Telephone and Telegraph Company also expressed its willingness to obey any order issued by the Commission in this matter, but suggested that it would prefer that the people of Parlier be served by the Reedley Telephone Company, and in case this could be arranged to the satisfaction of the Reedley Company and the people in the territory to be served, it would be willing to waive its rights in territory adjacent to Parlier but without the territory which the Reedley Company held itself out to serve under the terms of the connecting agreement.

At this hearing doubt was expressed as to whether the people of Parlier would be satisfied with or would give the necessary support to an exchange established by the Reedley Telephone

Company, and for the purpose of determining this matter it was arranged that Mr. Terkel, manager of the Reedley Telephone Company, and Mr. Suderman, secretary of the Parlier Chamber of Commerce should together call upon prospective patrons in Parlier and ascertain their desires and their willingness to support the proposed telephone exchange. It was agreed that dependent upon the result of this canvass either the Reedley Telephone Company or The Pacific Telephone Company would apply to the Commission for authority to establish an exchange in Parlier.

This canvass was not made, but under date of January 1, 1920. Mr. Terkel, Manager of the Reedley Telephone Company wrote a letter to the Commission in which he stated that he had attended a meeting of the Parlier Chamber of Commerce and explained the situation from the standpoint of the Reedley Telephone Company, after which the Chamber of Commerce decided that it favored the installation of an exchange by the Pacific Company. He reached the conclusion that there remained nothing for the Reedley Telephone Company but to allow the Pacific Company to proceed with the installation of the proposed exchange.

While the Reedley Telephone Company, as stated above, withdrew its objection to the installation of an exchange by The Pacific Telephone and Telegraph Company within the town of Parlier, it did not waive any of its claimed rights under the connecting agreement in any of the territory outside but immediately adjacent to the town of Parlier, which territory is absolutely necessary and essential to the successful operation of an exchange in Parlier.

Negotiations between The Pacific Telephone and Telegraph Company and the Reedley Telephone Company regarding this adjacent territory having failed to reach an understanding, a further hearing was held at Parlier, on March 19, 1920, for the purpose of determining what territory, if any, outside the town of Parlier should be attached to the proposed Parlier exchange. At that time

a number of witnesses living in territory adjacent to the town of Parlier appeared and testified. These hearings having been held the matter is now ready for determination.

O R D E R

The Parlier Chamber of Commerce having applied to the Railroad Commission for an order requiring the Pacific Telephone and Telegraph Company to install a telephone exchange in the town of Parlier, hearings having been held and the Commission being fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the installation of a telephone exchange in the town of Parlier by The Pacific Telephone and Telegraph Company, and that said Pacific Telephone and Telegraph Company provide adequate telephone facilities and service in a territory immediately adjacent to the town of Parlier, and described as follows:

"Beginning at a point one-eighth of a mile south of the section line dividing Sections 27 and 34, and one-fourth of a mile west of section line dividing Sections 34 and 35, T.15 S., R. 22 E. M.D.B. M., all in the County of Fresno; thence extending northerly in a straight line a distance of $1\frac{5}{8}$ miles to a point one-fourth of a mile west of the easterly line of Section 22, T. 15 S., R. 22 E.; thence extending westerly in a straight line a distance of seven-eighths of a mile to a point one-eighth of a mile west of the easterly line of Section 21, T.15 S., R. 22 E.; thence extending northerly in a straight line a distance of 2 miles to a point one-eighth of a mile west of the easterly line of Section 9, T. 15 S.; R. 22 E.; thence extending easterly in a straight line a distance of $1\frac{5}{8}$ miles to the center of Section 11, T. 15 S., R. 22 E.; thence extending northerly in a straight line a distance of one-half mile to the northerly section line of Section 11, T. 15 S., R. 22 E.; thence extending easterly in a straight line a distance of 2 miles to a point one-half of a mile west of the easterly line of Section 6, T. 15 S., R. 23 E.; thence extending northerly in a straight line a distance of 1 mile to the northerly line of Section 6, T. 15 S., R. 23 E.; thence extending easterly in a straight line a distance of $1\frac{1}{4}$ miles to a point one-fourth of a mile west of the easterly line of Section 5, T. 15 S., R. 23 E.; thence extending in a south-

erly direction in a straight line a distance of $3\frac{5}{8}$ miles to a point one-fourth of a mile west of the easterly line of section 20, T. 15 S., R. 23 E; thence in a westerly direction in a straight line a distance of five-eighth of a mile to a point one-eighth of a mile east of the easterly line of Section 19, T. 15 S., R. 23 E; thence southerly in a straight line a distance of 2 miles to a point one-eighth of a mile east of the easterly line of Section 31, T. 15 S., R. 23 E; thence westerly in a straight line a distance of $2\frac{1}{8}$ miles to the easterly line of Section 36, T. 15 S., R. 23 E; thence northerly in a straight line a distance of one-half mile along the easterly line of Section 36, T. 15 S., R. 23 E; thence westerly in a straight line a distance of $2\frac{1}{4}$ miles to the point of beginning."

IT IS HEREBY ORDERED that the Pacific Telephone and Telegraph Company be, and it is hereby authorized, and directed to install a telephone exchange in the town of Parlier, and to provide adequate telephone service in the territory adjacent thereto and hereinbefore described.

IT IS FURTHER ORDERED that within 30 days from the date of this order The Pacific Telephone and Telegraph Company shall file with this Commission, notice of its intention to construct such exchange in the town of Parlier and vicinity in conformity with the terms of this order.

IT IS FURTHER ORDERED that actual construction work for the installation of the above telephone exchange shall be begun within 90 days from the date of this order, unless for good cause appearing, further time may be granted by this Commission.

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 26th day of April, 1920.

H. L. Loveland
James P. Sullivan
H. C. Bourdige

Commissioners.