

Decision No. 82

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

FORTUNA BOARD OF TRADE,

Complainant,

Vs.

WESTERN UNION TELEGRAPH COMPANY,

Defendant.

Case No. 1444.

**ORIGINAL**

R. R. Smith for Complainant.

A. H. May and E. B. Harrington  
for Defendant.

BY THE COMMISSION.

O P I N I O N

Complainant herein is an organization composed of the principal business firms and others of the City of Fortuna, Humboldt County.

Defendant is a public utility doing a general commercial telegraph business throughout California and elsewhere.

The complaint alleges that prior to February 15, 1919, or thereabouts, defendant maintained an independent telegraph office in Fortuna for the purpose of providing telegraph service to the citizens of Fortuna and the public generally, and did at all times until said date furnish excellent service; that on or about said date it closed its aforesaid independent office and established a joint office in the depot of the Northwestern Pacific Railroad and since the establishment of said joint office the service rendered by defendant has been and now is inadequate and unsatisfactory.

In support of the allegation as to the present inadequate and unsatisfactory service maintained through the joint office ar-

rangement, the complaint sets forth that a qualified Morse operator is not maintained and that all telegraphic messages to and from Fortuna are relayed by telephone through defendant's Scotia office; that at Scotia, as well as at Fortuna, defendant maintains a joint office and business of the railroad takes precedence over other telegraph business to the disadvantage of defendant's service; that in relaying telegraph messages by telephone there is not the privacy essential to satisfactory telegraph service; that frequent delays and errors in transmission arise and in many instances service completely fails.

Complainant asks that the Railroad Commission issue its order requiring defendant to re-establish and maintain an independent office and to furnish and maintain efficient, adequate and satisfactory service.

Defendant in its answer enters a general denial as to its present service being inadequate, inefficient and lacking in essential privacy, and sets up that by reason of unfavorable telegraph business conditions at Fortuna it was obliged to move its office to the depot of the Railroad Company and operate it as a joint office.

In the operation of its independent offices, it is the practice in most cases to employ Morse operators in forwarding and receiving telegrams. This method of operation was in effect at Fortuna prior to the establishment of the joint office in February, 1919. In some cases it is the practice to transmit and receive telegrams by telephone to and from a relaying office which may be operated either by Morse operator or by telephone. Since the establishment of the joint office at Fortuna, telegrams are relayed through another joint office at Scotia at which office the telephone is used in handling defendant's business. In this method of operation, requiring repeated handling of telegrams, there is greater liability of errors and delays in transmission than is the case

where there is Morse operation and less handling of telegrams, as was the former practice at Fortuna. In cases requiring privacy it is, of course, apparent that the public cannot make use of a telegraph service which is transacted by telephone unless the telephone over which telegrams are transmitted is so located that telegrams cannot be overhead at any point while in transmission.

This complaint was heard on June 25, 1920, at Fortuna before Examiner Satterwhite.

The discontinuance of defendant's independent office and the opening of the present joint office occurred during the period of Federal control, at which time defendant was not subject to the control of the Railroad Commission.

Various witnesses for complainant testified that errors, supposedly due to transmission of telegrams by telephone, and delays alleged to be due to the precedence given to business of the railroad, are not infrequent since the establishment of the joint office. It is also claimed that when telegrams are forwarded or received over the telephone, as it is now used for this purpose, their contents become known by persons who happen to be in the office.

Defendant denies that errors in transmission occur more frequently than would be the case with an independent Morse operated office. Its records show also that there is less delay in handling its business through the present joint office than formerly occurred when it maintained its independent Morse operated office. As to complainant's claim that railroad business is given precedence over other business, it was shown by defendant that definite periods are assigned for handling each class of business and, except in dispatching of trains, there is no preference given to handling railroad business. As to the matter of privacy in handling telegrams for patrons of defendant, it is claimed that the telephone which is

used in transmitting and receiving telegrams is located in the railroad company's private office where an employee using the telephone cannot be overheard from the public office when the door and window separating the two offices are closed. From an observation made by the Commission's telephone and telegraph engineer, we are satisfied that this is a fact, and defendant has agreed to arrange with the officials of the railroad to exclude the public from the private office and to see to it that this door and window remain closed whenever telegrams are being received or forwarded for the public.

It appears also that the expense of employing a competent Morse operator and maintaining an independent telegraph office would be considerably in excess of defendant's present average receipts at Fortuna. In a system as extensive as that of defendant, it cannot be reasonably urged that each and every unit going to make up the entire system should, in itself, be self-sustaining when the service rendered thereby is a matter of public convenience and necessity and when the operation of the system as a whole is profitable. In this case, however, it does not appear that the public convenience and necessity require the maintenance of an independent office at an expense which appears to be greater than the present receipts justify.

#### O R D E R

Complaint having been filed with the Railroad Commission by Fortuna Board of Trade, complainant, vs. Western Union Telegraph Company, defendant, alleging that the present telegraph service rendered by defendant at Fortuna is inefficient, inadequate and unsatisfactory, and asking that the Commission issue its order requiring defendant to re-establish and maintain an independent office and to furnish and maintain efficient, adequate and satisfactory telegraphic service at said Fortuna, a public hearing having been held, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the complaint herein be and it is hereby dismissed, provided that defendant, Western Union Telegraph Company, shall at all times provide such means as may be necessary to insure absolute privacy in the matter of handling its commercial telegraph business at Fortuna.

Dated at San Francisco, California, this 13<sup>th</sup> day of September, 1920.

Edwin C. Edgerton

H. H. Loveland

H. B. Brundage

Commissioners.