

Decision No. 9455

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application
of Colony Holding Corporation for
authorization to maintain and operate
telephone lines (no exchange) within
the boundaries of Atascadero, California.

Application No. 6362.

By the Commission:

O P I N I O N

Colony Holding Corporation, applicant in this proceeding, is engaged in the business of subdividing and selling real estate, the property handled being known as Atascadero. The applicant has constructed telephone lines on this property, connecting the same with the exchange of The Pacific Telephone and Telegraph Company at Atascadero, for its own use and for the use of the colonists who have purchased land.

It having been called to the attention of the applicant that it was collecting rates from its patrons for telephone service without legal authority, applicant thereafter filed with the Commission its request for authorization to operate and maintain a farmer line system in Atascadero, California, outside of the territory served by The Pacific Telephone and Telegraph Company and to file and make effective a certain schedule of rates.

The territory served by The Pacific Company, referred to above, is described by applicant as being within the three quarter mile radius from the exchange central office.

A public hearing was held at Atascadero by Examiner Satterwhite.

Evidence was presented by The Pacific Telephone and Telegraph Company showing that it is prepared to serve and is serving the territory, to serve which the applicant now seeks authorization.

Testimony was given by Mr. Soares, vice president and general manager for the applicant, to the effect that The Pacific Company is now serving territory beyond its three quarter mile exchange area, namely, the subdivision known as Baglet on the south and the North Highway District on the north.

The subscribers of the applicant are, in effect, subscribers of The Pacific Company, since their telephone stations are directly connected with The Pacific Company's exchange.

The testimony showed that the applicant did not desire to assume full accountability to the public for service such as would be required of it, should it be authorized by the Commission to charge and collect rates.

In view of the fact that The Pacific Company is now serving and is prepared to extend further service in this territory it is our opinion that public convenience and necessity do not require that this application be granted.

The ownership and maintenance of the farmer lines, by means of which the applicant's subscribers are connected with The Pacific Company's exchange, should be in the hands of the subscribers themselves. The applicant should discontinue the practice of selling telephone service and withdraw entirely from responsibility to the public as a public utility.

O R D E R

Application having been filed with the Railroad Commission by Colony Holding Corporation for authorization to maintain and operate telephone lines within the boundaries of Atascadero, California, a public hearing having been held and it appearing that the

territory within which Colony Holding Corporation asks for said authorization is now served by The Pacific Telephone and Telegraph Company,

IT IS HEREBY ORDERED, That the application herein be and it is hereby denied.

Dated at San Francisco, California, this 3rd day of September, 1921.

H. B. Condit
H. D. [unclear]
Deputy [unclear]

Commissioners.