

Decision No. 26056 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE REEDLEY CHAMBER OF COMMERCE,
an unincorporated association,

Complainant,

vs.

THE REEDLEY TELEPHONE COMPANY,
a corporation, and

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendants.

ORIGINAL

Case No. 3484.

S. L. Heisinger, Jr., for Reedley
Chamber of Commerce, Complainant.

J. C. Marshall, for The Pacific Tele-
phone and Telegraph Company, De-
fendant.

Ernest Irwin, for Reedley Telephone
Company, Defendant.

BY THE COMMISSION:

O P I N I O N

In this complaint, as amended, Reedley Chamber of Commerce seeks to have certain territory now included in the Dinuba Exchange Area of The Pacific Telephone and Telegraph Company transferred to the Reedley Exchange Area of Reedley Telephone Company.

The Pacific Telephone and Telegraph Company, hereinafter sometimes referred to as the Pacific Company, and Reedley Telephone Company, hereinafter sometimes referred to as the Reedley Company, filed answers to the complaint.

A public hearing upon the issues thus joined were held before Examiner Fry at Reedley, on May 25, 1933, when testimony was received and the matter was submitted for decision.

The territory under consideration is Section 15 and a portion of Section 10, T. 16 S., R. 23 E., M.D.B. & M. It appears from testimony that this territory is slightly nearer to the city limits of Reedley than to the city limits of Dinuba. There are fourteen subscribers to Reedley Exchange service and three Dinuba Exchange subscribers located in this area at the present time. Two of these subscribers have both services. All service in the area at this time is furnished on a Farmer Line basis, in which the subscribers own and maintain their telephone station equipment and those portions of the lines extending from the telephones to the boundaries of the respective base rate areas from which points the telephone companies own and maintain the lines to the respective central offices, and the central office equipment. The charge for Reedley Residence Farmer Line service is \$4.80 per year and for Dinuba Residence Farmer Line service is \$3.60 per year. The rate for Business Farmer Line service is \$7.20 from either exchange.

A petition, signed by nineteen residents of the territory under consideration, which stated that the business and social interests of the signers thereof were in the City of Reedley, was presented in evidence at the hearing. Various subscribers to telephone service in the territory testified that their interests were principally with residents and business concerns of Reedley. Counsel for complainant stated that all persons who might have objection to the requested service transfer had been informed of the hearing set in this proceeding. Of the two subscribers who have both services, one did not appear and the

other, U. M. Gramley, testified that he had greater use for Dinuba service. Mrs. R. Ross, the other resident of the area under consideration, who has Dinuba service, stated that she does not have or need Reedley service but desires to continue her present service. It appears that these two witnesses do not wish that their preference for Dinuba service shall prevent the granting of the request of the numerous witnesses in favor of the transfer. All deviations in this area should be eliminated if the transfer is granted, and Dinuba subscribers in the area could retain their Dinuba service at Foreign Exchange Farmer Line service rates if such a rate schedule is filed with the Commission.

Counsel for the Pacific Company reiterated the Tender of Satisfaction which had been made in the answer to this complaint by this defendant.

Likewise, Counsel for the Reedley Company made no objection to the transfer of the territory under consideration. A proposed Foreign Exchange Farmer Line service schedule in form for filing with the Commission was presented as an exhibit.

The testimony received fully justifies the granting of the request of Reedley Chamber of Commerce. Defendants will suffer no property loss, as neither of them has any investment in the territory under consideration. Those residents whose communication interests differ greatly from the telephone requirements of the large majority will not be deprived of their Dinuba service but can continue the same at an advance in charges of \$4.80, each, annually. Residents now without service and who desire Reedley Exchange service will be able to secure this service at the local rates.

O R D E R

This case being at issue upon complaint and answers filed with the Commission, a public hearing having been held, careful consideration having been given to the interests of all parties concerned and the matter having been submitted for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby finds as a fact that the interests of the public will be served by the transfer from the Dinuba Exchange Area of The Pacific Telephone and Telegraph Company to the Reedley Exchange Area of Reedley Telephone Company of a certain area subsequently described herein, and basing this order on the findings of fact and on conclusions contained in the opinion preceding this order, and which is hereby made a part hereof,

IT IS HEREBY ORDERED that Reedley Telephone Company shall include within the suburban area of its Reedley Exchange on and after July 1, 1933, that certain territory bounded and described as follows:

Beginning at a point five hundred (500) feet west of the west line of Section 10, T. 16 S., R. 23 E., M.D.B. & M. and one thousand, nine hundred and eighty (1980) feet south of the north line of Section 9, T. 16 S., R. 23 E., extending south nine thousand and eighty (9080) feet; thence east six thousand, two hundred and eighty (6280) feet; thence north six thousand, seven hundred and eighty (6780) feet; thence west one thousand, eight hundred and twenty (1820) feet; thence north two thousand, three hundred (2300) feet; thence west four thousand, four hundred and sixty (4460) feet to the point of beginning.

IT IS HEREBY FURTHER ORDERED that Reedley Telephone Company shall:

1. Submit to the Railroad Commission for filing on or before June 25, 1933, a Foreign Exchange Service Schedule for Farmer Line service in the Reedley Exchange area in the form and substance of the schedule offered at the hearing in this proceeding as Exhibit No. 3, effective July 1, 1933.

2. Submit to the Railroad Commission for filing on or before June 23, 1933, a map of its Reedley Exchange area revised to include therein the above described territory.
3. Make effective for service on and after July 1, 1933, in the above described territory ~~the~~ rates, rules and regulations effective elsewhere in its Reedley Exchange area for similar services under similar conditions.
4. Remove all deviations from rates, rules and regulations and conditions of service in the above described territory on and after July 1, 1933.

IT IS HEREBY FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall:

1. Submit to the Railroad Commission for filing on or before June 25, 1933, a map of its Dinuba Exchange area revised to exclude therefrom the above described territory.
2. Discontinue all exchange telephone service in the above described territory on and after July 1, 1933, except as the same may be furnished under Foreign Exchange service schedules.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 12th day of June, 1933.

W. J. Harvey
Leon Whitely
W. J. Am
M. B. Harris
W. H. [unclear]

Commissioners.