

ORIGINAL

Decision No. 28238.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

McDONALD ISLAND FARMS, LTD., and
WEYL-ZUCKERMAN & CO.,

Complainants,

vs.

Case No. 3588.

A. S. COOPER, an individual, and
THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a Corporation.

Defendants.

H. G. Zuckerman, for Complainants.
J. G. Marshall, for Defendant The Pacific
Telephone and Telegraph Company.
Marvin Osburn, by James J. McEntee, for
Defendant A. S. Cooper.

BY THE COMMISSION:

O P I N I O N

McDonald Island Farms, Ltd., and Weyl-Zuckerman & Co., complainants, herein desire exchange service on McDonald Island from the Stockton Exchange of The Pacific Telephone and Telegraph Company, hereinafter sometimes referred to as the Pacific Company. The first named complainant is a corporation owning and operating farming communities in the McDonald Tracts, comprising in excess of 3,000 acres with ten camps on McDonald Island, approximately nine miles from the City of Stockton. Weyl-Zuckerman & Co., a corporation, is engaged in the produce business, operates ranches and is closely affiliated with McDonald Island Farms, Ltd.

Defendant A. S. Cooper made no answer to this complaint although regularly notified of its filing with the Commission. The Pacific Company, in its answer, agrees to render Stockton exchange service to complainants on McDonald Island upon the condition that the utility furnishing telephone service in said territory will file a former line foreign exchange schedule covering the service.

Public hearings upon the issues thus joined were held before Examiner Fry in San Francisco on July 11th and 25th, 1933, on which latter date the matter was submitted for decision.

A. S. Cooper has on file with the Commission a map of the territory purported to be served by him as a telephone public utility which comprises the Ridge Land Reclamation Districts Nos. 2037, 2038 and 2039 in San Joaquin County, and District No. 2035 in Contra Costa County, all situated west of the City of Stockton. The utility has one telephone service on McDonald Island. This service, outside the filed territory of the utility, has not been filed with the Commission as a deviation.

H. G. Zuckerman, for complainants, testified that they need more adequate and dependable telephone service on McDonald Island. A substantial part of the use of such service is long distance communication to Stockton and San Francisco. The present telephone service on complainants' McDonald Island property is unavailable between 9:00 P.M. and 7:00 A.M. when the A. S. Cooper telephone office at Middle River is closed. It was suggested that, if A. S. Cooper would include McDonald Island in his Middle River exchange area, the complainants could have additional telephones on a line to the Middle River Switchboard

and that during the closed hours of the office, a night connection to the toll line to Stockton would be established thereby allowing continuous service. Mr. Zuckerman offered an objection to service through the Middle River switchboard on account of its operation by a competitor.

The record shows that the requirements of complainants may be fully satisfied by either of three plans.

Under the first plan, A. S. Cooper would file with the Commission a revised map of his exchange area including McDonald Island, together with a schedule of Stockton foreign exchange farmer line service available in the Middle River exchange area. The foreign exchange farmer line service referred to is a direct exchange service from one exchange to a subscriber located in another exchange area. The rate for such service in the foreign exchange is greater than the base rate applicable in the local exchange. Mr. Chapman, witness for the Pacific Company, proposed a rate for Stockton foreign exchange farmer line service in the Middle River exchange area of \$28.80 per year per business station, and \$14.40 per year per residence station. By the acceptance of this foreign exchange service, complainants would receive continuous twenty-four hour Stockton service. The complainants would furnish and maintain the instrumentalities and would build, own and maintain the telephone line from the McDonald Island property to the boundary of the base rate area of the Stockton Exchange. The Pacific Company would own and maintain the line facilities from the base rate area boundary to the Stockton switchboard and the central office facilities used in rendering the service. No facilities or equipment would be furnished by A. S. Cooper.

The second plan would leave McDonald Island as unassigned territory. Under this plan complainants could have toll stations on their property with continuous toll service to Stockton and other outside points. Mr. Zuckerman objected to this plan for the reason that complainants would be required to pay \$7,500. to the Pacific Company, as the cost of construction.

of the branch toll lead, and donate the property to the utility.

The third method of furnishing Stockton exchange service on complainants' property contemplates the extension of the Stockton exchange area to include McDonald Island, thus allowing the furnishing thereon of farmer line service at local rates on a normal basis.

The first plan appears to be the logical method of meeting complainants' reasonable requirements. McDonald Island separates two sections of A. S. Cooper's service territory and should reasonably be included in the Middle River exchange area. The Pacific Company has stated its agreement to cooperate with A. S. Cooper in rendering service on this basis.

We believe the complainants should not be required to accept toll service under the second plan explained above on account of the apparently excessive charge the Pacific Company would expect complainants to pay precedent to the establishment of the proposed toll stations, and which would not be returnable.

The extension of the Stockton exchange area to include McDonald Island is objectionable due to the fact that the Stockton exchange area is at present very large and further expansion would be expected to increase the average cost of Stockton exchange service.

It should be noted that the Commission's letters to A. S. Cooper concerning the request of Mr. Zuckerman for Stockton service on McDonald Island before this matter became a formal complaint apparently were given little consideration by the utility. Likewise, no tender of satisfaction was made and no officer or witness for A. S. Cooper appeared at the hearings in this matter.

Prompt and complete compliance by the A. S. Cooper utility with the following order will be required.

It is our opinion that the request of complainants for Stockton exchange service under the existing conditions is a reasonable one which should be granted, and that this may best be accomplished without detriment to either defendant by the extension of the Middle River exchange area to include McDonald Island and the filing by A. S. Cooper of a foreign exchange farmer line service schedule for Stockton service in the Middle River Exchange.

ORDER

This case being at issue upon complaint and answer on file, having been duly heard and submitted for decision, full consideration having been given to the matters involved and basing this order on the findings of fact and conclusions contained in the opinion preceding this order, which opinion is hereby referred to and made a part hereof,

IT IS HEREBY ORDERED that A. S. Cooper shall:

(1) Submit for filing with the Railroad Commission, on or before August 26, 1933, a map of its service territory modified to include the McDonald Island area in its Middle River exchange area.

(2) Submit for filing with the Railroad Commission, on or before August 26, 1933, a schedule of rates and charges, not greater than those quoted in the opinion which precedes this order, for Stockton foreign exchange farmer line service in the Middle River exchange area effective on and after September 1, 1933.

IT IS HEREBY FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall cooperate with A. S. Cooper in

the furnishing of Stockton foreign exchange farmer line service
in the Middle River Exchange of A. S. Cooper.

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 14th day
of August, 1933.

C. C. Leary
Leon Wheeler

M. B. ...
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Commissioners.