

Decision No. 27809

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE CITY OF LOS ANGELES,
a municipal corporation,

Complainant,

vs.

THE SOUTHERN CALIFORNIA TELEPHONE
COMPANY, a corporation,

Defendant.

Case No. 3800.

ORIGINAL

BY THE COMMISSION:

Complainant, City of Los Angeles, requests leave to amend its complaint by adding to the grounds upon which it seeks relief that of unjust discrimination. It is represented that a copy of its proposed amendment has been sent to the defendant and to all who have appeared. The amendment the City proposes and its effect is illustrated by setting forth the amended paragraph V and the prayer for relief, with the new matter underscored and eliminations indicated by brackets as follows:

V.

That (The) said rates, tolls, rentals, charges, classifications, contracts, practices, rules and regulations of defendant now in force and at present governing defendant's public utility service to its subscribers, and to each and every of its said subscribers within its said "Los Angeles Exchange", and between telephone stations within its said "Los Angeles Exchange" and telephone stations in exchanges and points exterior thereto, are, and each of them is,

unfair, unjust, improper, unreasonable (and) excessive and unjustly discriminatory, and to the extent that they are, or any or either of them is, unfair, unjust, improper, unreasonable (or) excessive or unjustly discriminatory, they are, and each of them is, unlawful and in violation and contravention of the provisions of the Public Utilities Act of the State of California.

WHEREFORE, complainant prays that this Honorable Commission require defendant to answer the allegations of the within complaint; that this Honorable Commission thereafter, after public hearing, make and publish its order fixing and establishing the just, fair, proper, reasonable (and), non-excessive and nondiscriminatory rates, tolls, rentals, charges, classifications, contracts, practices, rules and regulations to be thereafter placed in effect and observed by defendant for public utility service to its subscribers within its said "Los Angeles Exchange", and for service between telephone stations within said exchange and telephone stations in exchanges and points exterior thereto; and that this Honorable Commission also make and publish such other and further order or orders as it may deem meet and just in the premises.

The only objection voiced to complainant's request is that of the defendant Company. Its objection, however, is directed to the form of the proposed amendment and its claimed indefiniteness and uncertainty rather than to the substance of the request. In view of what was said at the last hearing respecting this proposed amendment, as well as the contents of the City's letter of transmittal requesting leave to file, it is clear that by the amendment the City seeks

to raise the issue of discrimination as between exchanges. With the record background to the proposed amendment the defendant should experience no difficulty in defining its purpose and effect. The City's request for leave to amend should be granted, the defendant, however, to have reasonable opportunity to make answer to the charge of discrimination.

The issue of unjust discrimination raised by the amended complaint, indirectly at least, may affect subscribers in other exchanges of the defendant and in fairness to them some notice should be given of the broadened issues. The order will provide for this. Granting the complainant's request should not delay the next hearing in the case now on the calendar for Tuesday, April 2, 1935 at Los Angeles.

O R D E R

IT IS HEREBY ORDERED, that the request of the complainant, City of Los Angeles, for leave to file an amendment to its complaint charging unjust discrimination be granted, the defendant to have to and including March 25, 1935 within which to answer the charge of discrimination.

IT IS FURTHER ORDERED that the Secretary of the Commission mail to the City Attorney of each of the various cities in which defendant maintains exchange service and to the District Attorneys of the Counties of Santa Barbara, Ventura, San Bernardino, Riverside, Orange, San Diego, Imperial and Inyo, and to the County

Counsel of Los Angeles County a copy of this order for their information.

Dated at San Francisco, California, this 11th day of March, 1935.

Jean Whittell
W. J. Lane
W. B. Lewis
W. H. ...
Frank R. ...
Commissioners.