

Decision No. 3576

3576

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PALO VERDE IRRIGATION DISTRICT,
an Irrigation District,
Complainant,

vs.

COLORADO RIVER TELEPHONE COMPANY,
a corporation,
Defendant.

ORIGINAL

NO. 4328

Stewart, Shaw and Murphy, by Arvin B. Shaw, Jr.,
for Complainant.

J. O. Phillips, for Defendant.

H. M. Hammack, for Nevada-California Electric
Corporation, an Interested Party.

BY THE COMMISSION:

O P I N I O N

Palo Verde Irrigation District herein asks that an order be made requiring Colorado River Telephone Company to metallicize the telephone line from a certain control gate to a certain intake; remove a ranch telephone from said telephone line; remove its telephone lines throughout the Palo Verde Valley to a safe and reasonable distance from complainant's irrigation canal banks, and reconstruct its telephone poles and wires throughout the Palo Verde Valley as specified by General Order No. 64-A of the Railroad Commission.

The complainant, hereinafter sometimes termed the District, is an irrigation district organized and existing under an Act of the Legislature of the State of California designated "The Palo Verde Irrigation District Act."

The defendant, hereinafter sometimes termed the Telephone Company, is a corporation operating a telephone

system in Blythe and surrounding territory, all in Riverside County, California. A franchise for the construction of this system was granted by the Board of Supervisors of Riverside County on September 21, 1914. By Decision No. 3435 dated June 17, 1916, Colorado River Telephone Company was granted a certificate of public convenience and necessity permitting it to construct and operate its telephone system (10 CRC 349).

Colorado River Telephone Company made answer to the complaint and requested that the matter be set down for hearing. Accordingly, a hearing was held in the proceeding before Examiner Fry on June 15, 1938, at Blythe, Riverside County, California.

Exhibit "A" made a part of the complaint herein is a copy of an agreement dated February 10, 1923, between Colorado River Telephone Company and Palo Verde Mutual Water Company and Palo Verde Joint Levee District of Riverside and Imperial Counties relative to the construction and maintenance of a telephone line between "control gate" and "intake," a distance of approximately five and one-half miles. This agreement was not submitted to the Commission for approval. The District requests that the Commission order the Telephone Company to metallicize this line and to furnish efficient service on said line. Subsequent to the filing of this complaint, the Commission required the Telephone Company to complete all delayed maintenance existing in the line and to place it in first-class condition. The service was then accepted as satisfactory. It is not considered necessary that the line be metallicized at this time. It appears that the line is owned by the District, which should bear the cost of metallicizing if later this is found to be required.

The District asks that the Telephone Company be required to remove the connection of a ranch telephone from the

above-described line. The aforementioned agreement was intended to allow the District to monopolize the line with a minimum of three telephones only and at certain stated rates and charges. The tariffs of the Telephone Company, with the rates, charges, and conditions of service included therein as filed with the Commission, govern the service of the Telephone Company furnished the District.

The Mutual Water Company, predecessor of the Palo Verde Irrigation District, released its canal and levee system, commenced in 1908, to the District in 1925. Water is taken from the Colorado River at the intake and is directed to the various ranches in a system of irrigation ditches. Prior to the operation of Boulder and Parker dams a great amount of silt from the river entered the canals and settled on the bottom of the ditches, thereby obstructing the gravity flow of the irrigation water. The silt and grass are removed from the ditches by means of the Ruth dredge. This dredge is a gasoline-operated tractor which runs along the bank of the irrigation ditch. A boom from this equipment extends across the canal, ending on a tractor wheel support running on the bank. The cleaning action of the dredge is performed by a series of mud buckets on an endless chain. The mud taken from the ditches is dumped along the banks, which now have a slope of about one to one. The height of the Ruth dredge from the ground is approximately seventeen feet and it was stated that for safe clearance over the dredge the wires should be eighteen feet above the canal banks. In operating the dredge sixteen feet of space on the canal bank nearest the highway is needed.

It was admitted that some of the Telephone Company poles and wires constructed along the ditch banks impair the

usefulness of the Ruth dredges in cleaning out the canals. It appears that these poles are set in the Telephone Company's right-of-way along the roads. The raising of the level of the ditch banks with mud from the ditches has brought the banks so near the telephone wires that there is often insufficient vertical clearance for the dredge. Due to the closeness of the ditches to the roads in certain instances, with the telephone poles on the ditch banks but on the Telephone Company's right-of-way, it has been found that there is insufficient horizontal clearance for the Ruth dredge. It was testified that the Riverside County representative at times moved telephone poles off the right-of-way and farther up on the ditch banks. It has not been shown that these poles were not placed at the locations provided for in the Telephone Company's county franchise.

It appears that this controversy can be satisfactorily cleared up only by a complete understanding and agreement among the Palo Verde Irrigation District, Colorado River Telephone Company and Riverside County, which would fix the new locations of such poles as should be moved and the distribution of the cost of such work. An unsuccessful attempt has been made by the Commission to have these parties confer and reach an agreement relative to the removal of poles which interfere with the work of the District or the County. The Commission may not issue an order disposing of this portion of this controversy.

The District asks the Commission to compel the Telephone Company to reconstruct its outside telephone plant throughout Palo Verde Valley to provide the minimum clearances required by General Order No. 64-A. A field inspection of this plant has been completed by Commission engineers. Some of the telephone lines were built prior to the effective date of General Orders

64 and 64-A and technically are not required to be in full compliance with these orders except upon reconstruction. It was found that the telephone lines in general had the necessary clearance above ground level when set. However, in some instances the earth taken out of the canals and added to the ditch banks raised the ground level under the poles more than five feet and lessened the clearances a similar amount.

In summary of the four requests of the District, it appears that the first request has been satisfied by the Telephone Company's action in making the necessary repairs of its facilities. The second request requires no order. The Commission may make no order in the third request, but the interested parties themselves should agree on some method of satisfying the complaint. Inspection of the facilities of the Telephone Company indicates that no order is required in the fourth request.

O R D E R

A public hearing having been held in the above-entitled complaint, the matter having been duly submitted and given proper consideration, and the Commission being now fully advised,

IT IS HEREBY ORDERED that this complaint be and the same is hereby dismissed.

Dated at San Francisco, California, this 19th day of March, 1940.

Ray & Riley
Robert W. [unclear]
[unclear]
Justice J. Casner
Commissioners