

Decision No. 42438

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA FARM BUREAU FEDERATION, a  
corporation

Complainant

vs.

Case No. 4975

ANDREW E. SMITH, dba CAPAY VALLEY  
TELEPHONE SYSTEM, and PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY, a corporation

Defendants

J. J. Deuel and Edson Abel, by Edson Abel,  
for complainant; Andrew E. Smith, in  
propria persona and James G. Marshall for  
The Pacific Telephone and Telegraph  
Company, defendants.

O P I N I O N

In this complaint the California Farm Bureau Federation requests the Commission to order Andrew E. Smith to file rates for Esparto foreign exchange farmer line service, or order the transfer of a portion of the Brooks exchange to the Esparto exchange. Smith, in his answer to the complaint, objected to filing rates for foreign exchange service, or to any transfer of territory. The Pacific Telephone and Telegraph Company, in its answer, offered to cooperate with Smith in the furnishing of foreign exchange service, but objected to any transfer of territory.

A public hearing in this proceeding was held before Examiner Bradshaw at Guinda on January 7, 1949. Complainant, at that time, withdrew its request for transfer of territory to the Esparto exchange.

Andrew E. Smith owns and operates a magneto telephone system serving the Brooks exchange in Capay Valley, located in the northwest portion of Yolo County. Approximately 90 company stations were

connected to the system on January 7, 1949. The hours of service are from 7 a.m. to 9 p.m. on weekdays, and from 7 a.m. to 12 noon on Sundays and holidays, with emergency service being provided after 9 p.m. on weekdays.

The Esparto exchange is owned and operated by the Pacific Company. Magneto equipment is used to provide 24-hour service. There were 122 company-owned stations and 23 subscriber-owned stations being served on November 30, 1948.

Testimony was given on behalf of the complainant by two farmers and stock raisers whose residences are about one mile and one-half mile, respectively, north of Capay. They stated that Brooks exchange service was inadequate for their purposes because a considerable portion of their calls had to be made before 7 a.m. or after 9 p.m. They testified that they owned a farmer line which extended to the base rate area of the Esparto exchange and that they lived very near the Esparto-Brooks boundary line.

Testimony on behalf of defendant Smith was given by himself, by the master of the Yolo County Grange, and by the chairman of the Capay Valley Farm Bureau Center. No testimony was introduced by defendant, The Pacific Telephone and Telegraph Company.

Smith testified that the filing of rates for Esparto foreign exchange farmer line service would decrease his telephone revenues, because of the belief that eight subscribers in Capay, located south of Cache Creek, would discontinue service and subscribe to the foreign exchange service. The record shows that Smith had not asked any of the subscribers if they would change, but assumed they would.

The representatives of the Grange and Farm Bureau Center testified that the telephone service they received from the Capay Valley Telephone System was satisfactory and adequate; that they had been able to make emergency calls after 9 p.m., and that they believed the filing of rates for Esparto foreign exchange service would cause the rates for the present service in the Brooks exchange to be increased.

The record in this case regarding complainant's contention that the telephone service furnished by Smith in the Brooks exchange is inadequate, unjust, inefficient, and unreasonable is not convincing. However, the two witnesses for complainant do appear to have a requirement for 24-hour service, or longer hours of service than presently provided in the Brooks exchange. The record shows that Smith has no definite plans for providing additional hours of service, that he is at present receiving no revenue from complainant's two witnesses, and that he would receive a portion of the exchange and toll revenue if they were receiving Esparto foreign exchange farmer line service under the rates usually applicable to such service.

Foreign exchange service is furnished by a number of other telephone companies in California to meet the requirements of subscribers, and has proved its usefulness and convenience. The establishment of a foreign exchange farmer line zone one-half mile in width, contiguous to and westerly of the Brooks-Esparto common boundary, extending from Cache Creek north to the south line of T11N, R2W, Mount Diablo Base and Meridian, would enable complainant's witnesses to receive Esparto foreign exchange farmer line service. We are of the opinion and find that such service should be established.

#### ORDER

The above-entitled complaint having been considered, a public hearing having been held, the matter having been submitted and now ready for decision,

IT IS HEREBY ORDERED that:

1. Andrew E. Smith, operating under the fictitious name of the Capay Valley Telephone System, shall file and publish, in accordance with General Order No. 96, rates and conditions for Esparto farmer line service furnished in the Brooks exchange of the Capay Valley Telephone Company as set forth in Exhibit A attached hereto, and a map of the Brooks exchange revised to delineate a foreign exchange farmer line zone one-half mile in width, contiguous to and westerly of the Brooks-Esparto common boundary, extending from Cache Creek north to the south line of T11N, R2W, N.D.B. and M.

2. Andrew E. Smith shall, after not less than five (5) days' notice to the Commission and to the public make said rates effective on and after March 1, 1949, for bills covering service furnished on and after March 1, 1949.
3. In all other respects the above-entitled complaint be and it is dismissed.

The effective date of this order shall be twenty (20) days from and after the service hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of January, 1949.

R. B. Anderson

Robert Lawrence

Harold P. Kuls

Bennett Potter  
Commissioners.

FOREIGN EXCHANGE SERVICE - FARMER LINEAPPLICABILITY

Applicable to foreign exchange farmer line service.

TERRITORY

Within the foreign exchange farmer line zone of the Brooks exchange, as said zone is defined on a map filed as part of the tariff schedules.

RATES

<u>Foreign Exchange</u>	<u>Each Station Per Month</u>	
	<u>Business Service</u>	<u>Residence Service</u>
Esparto	\$1.50	\$1.00
<u>Minimum Charge</u>		

Under the above rates, service will be rendered to less than three stations provided total minimum exchange revenue of each circuit is not less than \$3.00.

CONDITIONS

1. The subscriber will provide, own, and maintain all lines and facilities within the Brooks exchange area.

2. Service will be furnished provided the line and other facilities owned by the subscriber or subscribers are properly constructed and in an operating condition. The Company reserves the right to discontinue telephone service to a subscriber or subscribers served by a farmer line by disconnection of such farmer line if a fault in any part of the line or other facilities provided by the subscriber or subscribers causes interference with service furnished to other subscribers, and may refuse to reconnect the line until the fault is corrected and the line and other subscriber-owned facilities are placed in an operating condition.

3. Foreign exchange service will be furnished subject to the same conditions as to the use of the service by other than the subscriber and his representatives which are applicable in connection with other classifications of subscriber's telephone service. Foreign exchange service will not be provided for public or semipublic use.

4. The above rates comprehend service without additional charge to all stations receiving service from the Esparto exchange. The toll rates applicable in connection with toll service over Esparto foreign exchange farmer lines furnished under this schedule will be in accordance with the toll tariff provisions of the Esparto exchange.

5. A farmer line may not be connected to more than one exchange. In the event that the farmer line is so connected, and upon failure, after notice to the subscribers of record on that line, to comply with the above provision, the Company then shall have the right to disconnect that line from any or all of the exchanges to which it is connected.