

ORIGINAL

Decision No. 48222

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA FARM BUREAU FEDERATION, a
corporation,

Complainant,

vs.

THE WESTERN TELEPHONE COMPANY,

Defendant.

Case No. 5367

J. J. Deuel and Eldon Dye, for California Farm
Bureau Federation, complainant.

W. Gilman Snyder, Elwin E. Bagley and Robert
Sutherland, for The Western Telephone Company,
defendant.

O P I N I O N

The California Farm Bureau Federation, an incorporated, nonprofit association composed of 54 county farm bureaus within the State of California, on April 11, 1952, filed this formal complaint against The Western Telephone Company, a public utility corporation furnishing telephone service, among others, to certain communities in the County of Mendocino included in the Laytonville, Black Rock, Branscomb, Sherwood, Cummings, Longvale, Spy Rock and Garberville Districts. It charged that the telephone service offered and furnished by defendant in Mendocino County is inadequate, unjust, inefficient, unreasonable and contrary to public convenience and necessity in the following respects:

1. The telephone lines are constantly out of order.
2. Defendant's rules and regulations are unreasonable considering the type of equipment used.
3. Maintenance work is delayed for an unreasonable length of time.

4. The number of operators is not sufficient to provide reasonable service.
5. The service has not been improved since new and higher rates became effective October 1, 1951.
6. Some adjustment should be made for lack of service.
7. The method of handling toll and long distance business is inefficient and results in unreasonable charges to subscribers.

The complainant requested the Commission to find that the telephone service of defendant in the County of Mendocino is inadequate, unjust, unreasonable and contrary to public convenience and necessity, and to make an order requiring defendant to provide a proper standard of service and make reasonable adjustments in rates and charges for failure to do so.

Defendant's Answer

On May 5, 1952 The Western Telephone Company filed its answer.

1. Defendant denied that any of its lines is constantly out of order but did admit that there are a great many cases of trouble caused by logging activities, trucks hitting poles, falling trees and storms, and that during the winter of 1951-1952 a number of lines were out of service for considerable periods of time.
2. Defendant stated that its rules and regulations are those that have been authorized by this Commission and are in accord with the rules and regulations of other telephone companies for comparable types of equipment.
3. Defendant admitted that one additional maintenance man should be employed at Laytonville and stated that efforts were being made to fill such position. The defendant alleged, however, that generally maintenance is accomplished within a reasonable length of time considering the extremely rugged territory, the distances traveled, and the great amount of damage caused by logging activities and by fire in the summer and storms in the winter.
4. Defendant alleged that the switchboard equipment is single position equipment and that except for short and unpredictable periods of time the equipment and personnel are adequate to handle present traffic; that orders have been placed for entirely new central office and telephone equipment which will be generally automatic in operation, and that a new central office building will be constructed in Laytonville during 1952.

5. Defendant alleged that since the new and higher rates became effective October 1, 1951, the hours of service were increased from 13 hours daily to continuous service, and that the establishment of toll service on the longer lines which were formerly operated as suburban lines has resulted in reduced holding time on the circuits, thereby resulting in the circuits being much more readily obtainable and more calls being completed.
6. Defendant further alleged that where outages of service have occurred for a period of 24 hours or more, credit has been allowed.
7. Defendant further alleged that only those toll calls entirely over the lines of defendant are handled by defendant's operators and that all other long distance calls are handled by operators of The Pacific Telephone and Telegraph Company; that defendant handles its toll calls in accordance with methods generally in use throughout the industry, and every effort is made to be sure that no improper charge is made for such calls.

The defendant further alleged that it plans to rebuild the telephone plant where required and to provide additional plant and equipment in the northern Mendocino area, and that plant additions totaling over \$85,000 were made during 1951, and defendant requested that the complaint be dismissed.

Public Hearing

After due notice to the complainant and the defendant the matter was set for public hearing. Public hearing was held at Laytonville on September 11, 1952, before Examiner Cline, and at the conclusion thereof the matter was submitted for Commission decision.

Complainant's Case

Complainant introduced into evidence as Exhibit No. 1 a petition signed by 201 persons setting forth various complaints respecting the telephone service of defendant, and introduced testimony of some 21 witnesses.

A number of subscribers claimed that the new exchange listings in the telephone directories are misleading in that the names of many of the exchanges are different from their post office addresses, and that persons had difficulty completing long distance calls to the new exchange numbers. Complainant's witnesses also testified that, especially on long distance calls, it was difficult for either one or both parties to hear; that it took too long to get the operator and too long for the operator to complete the calls; that long distance calls were not properly timed, with the result that charges were excessive; that there were frequent disconnects on long distance calls.

Certain witnesses testified that they objected to the local exchanges being made smaller, resulting in many calls which were formerly local calls now being toll calls; that on occasion collect calls were charged to the telephone from which they had been placed; that the monthly guarantees have been collected even though the tolls collected from the pay stations have exceeded the guarantee. Certain of the witnesses expressed objection to having to pay more for collect calls than the regular pay station charges for calls to their home telephones.

The testimony also showed that a number of the lines, especially those in the mountainous districts, were out of service for relatively long periods of time during the winter months; that some of the lines are strung on trees and that many are frequently down because of slides, washouts and felled trees.

Another petition signed by 147 persons, and introduced into evidence as Exhibit No. 3, requested the transfer of the Leggett Valley District (from Lane's Flat to Little Dan Creek) from the Garberville exchange to the Laytonville exchange. According to the petition and testimony of complainant's witnesses, this

transfer could be effected by closing the existing 2½-mile gap in the lines between Little Dan Creek on the north and Cummings on the south. Complainant introduced evidence to show that long distance calls from the Leggett Valley District to points south through Willits now follow a circuitous route through Garberville and Fortuna, and thence via a circuit that follows the Northwestern Pacific Railroad through very mountainous and timbered country to Willits. Recognition was given to the line connecting Garberville and Laytonville through Bell Springs, but according to testimony this line is unsatisfactory and is frequently out of order, especially during the winter months.

Defendant's Case

The defendant's case was presented through testimony of W. Gilman Snyder, President of The Western Telephone Company. Witness Snyder recognized that there are a great many deficiencies in telephone service in the territory in Mendocino County served by defendant, and conceded most of the deficiencies in service brought out by testimony of complainant's witnesses. By way of defense, Witness Snyder testified that the defendant is actively taking steps and exerting every reasonable effort to remedy such deficiencies as do exist.

The testimony of Witness Snyder supported the matters set forth in defendant's answer which have previously been outlined above. His testimony also supplemented defendant's answer in various particulars as follows:

1. Defendant has employed an additional maintenance man at Laytonville.
2. Three new four-wheel drive maintenance trucks have been provided, each equipped with winch, of which one is located at Laytonville and another at Covelo.

3. Arrangements for interim financing to the extent of \$350,000 have been made by defendant with The Chase National Bank of the City of New York, so that defendant can carry forward its construction program.
4. The architects have completed plans for the Laytonville and Covelo central office buildings. It is anticipated that these buildings will be completed by March 1, 1953.
5. The central office dial equipment for both Laytonville and Covelo is at present in the production engineering stage by Stromberg Carlson Company and is scheduled for delivery in early 1953.
6. Adequate quantities of wire, cable, and other construction materials are on order and scheduled for delivery in the last quarter of 1952.
7. A construction superintendent has been employed. At the time of the hearing he was superintending reconstruction of the pole line facilities between Bell Springs and Garberville.
8. New pole line has been constructed for a distance exceeding 5 miles between Farm House and Bell Springs. A complete realignment of the line has been made, all poles replaced, and the old one-wire ground return circuit has been replaced with new copper-weld wire metallic circuit.
9. Direct Garberville-Laytonville toll circuits have been established by means of carrier telephone equipment operating over the physical circuit in place between Laytonville and Garberville.
10. Reconstruction of the branch circuit from the main line at the highway near Cummings extending to the residence of J. H. Neblett has been completed, replacing the old one-wire ground return line with a metallic circuit.
11. A new pole line from the main line on the Sherwood Valley road to the residence of Herman Sagehorn has been completed, replacing the old one-wire line at that location.
12. Construction has been started on a new pole line from the main line on the Sherwood Valley road to the residence of J. E. Munson, to replace the old one-wire line.
13. Construction of an addition to the central office building at Garberville to house engineering offices for the Garberville-Laytonville-Covelo area has been completed.
14. The Pacific Telephone and Telegraph Company is reconstructing defendant's toll lead between Garberville and Harris. Defendant will place new poles and wire between Pratt Mountain and Harris so that the Garberville-Harris section of the Garberville-Bell Springs-Laytonville toll lead will be entirely new before the end of 1952. Completion of the cable construction on the Garberville-Harris

circuit and the Garberville-Laytonville toll circuits will eliminate certain unavoidable interruptions to service due to the reconstruction work.

15. Defendant became responsible for operations in the area in September, 1950. Since that time additions to plant have exceeded \$100,000, an amount greater than the predecessor companies had spent in the preceding 10 years. Plant additions to be completed by the end of 1953 total \$350,000, about \$200,000 of which will be spent for the Laytonville-Covelo area.
16. The Pacific Telephone Company is constructing an underground cable within the territory of defendant, designed to interconnect telephone offices between the Bay Area and Eureka. Defendant has requested The Pacific Telephone Company to furnish certain pairs in this toll cable for the purpose of providing cable circuits between Garberville and Laytonville.

In response to complainant's request that defendant connect its existing Leggett Valley circuits out of Garberville to the Cummings circuit out of Laytonville, Witness Snyder testified that the provision of the direct Garberville-Laytonville circuits through Bell Springs was the quickest and most economical means of providing connections not only from the Leggett Valley area, but from other areas requiring such connections to the south. The switchboard circuits at Laytonville will not be adequate to accommodate additional circuits until the new equipment is provided in 1953. After conversion of Laytonville and Covelo to dial operation, a considerable portion of the toll operating for both places will be done at Garberville. As Garberville will be operated by defendant as a toll center, it is more logical to operate the Leggett Valley toll circuits out of Garberville.

Witness Snyder further testified that delays experienced in completing calls between Leggett Valley and Willits and Ukiah prior to the completion of the Garberville-Laytonville circuits of defendant, were due to the great amount of long distance traffic being handled through the Eureka office of The Pacific Telephone and Telegraph Company and the lack of adequate facilities of that

company between Garberville, Eureka and Ukiah. However, such delays have been remedied to a considerable extent as a result of reductions in toll traffic and by reason of technical changes made by The Pacific Telephone and Telegraph Company.

Conclusion

A review of the evidence clearly sustains a finding that in general the complaints regarding service are well founded in fact. Defendant's motion to dismiss the complaint will be denied.

On the other hand, this Commission finds that defendant is making a sincere effort and is taking reasonable measures to remedy existing service deficiencies. Such being the case, this Commission should not interfere with the management of defendant in its solution of its service problems. Complainant and the public are nevertheless entitled to be kept fully informed regarding the progress of the construction program and improvements to which defendant has committed itself and the Commission will issue its order accordingly.

In Decision No. 46071 in Application No. 32114 (amended) this Commission found that the increases in rates and charges authorized therein were justified and ordered The Western Telephone Company (applicant therein and defendant herein) to make the authorized rates effective for service furnished on and after October 1, 1951, and to file a revised set of rules and regulations acceptable to the Commission. The Commission hereby finds that the authorized rates, rules and regulations now on file with this Commission are justified and reasonable and presently require no modification. In so far as the defendant may have made any charges to subscribers at variance with such authorized rates, rules and regulations, defendant has expressed a willingness to make proper adjustment upon notification and request by subscribers.

The Commission further finds that at the present time public convenience and necessity do not require the transfer of the Leggett Valley District (from Lane's Flat to Little Dan Creek) from the Garberville exchange to the Laytonville exchange. Complainant's request that such transfer be made will accordingly be denied.

O R D E R

Public hearing having been held in the above-entitled case, the matter having been submitted and the Commission being fully advised,

IT IS HEREBY ORDERED as follows:

1. Defendant's motion that the complaint herein be dismissed is hereby denied.
2. Within thirty (30) days from the effective date of this order, defendant shall submit to this Commission in quadruplicate, and to complainant herein, a detailed schedule of plant improvements and additions proposed to be made before the end of the year 1953 in that portion of its telephone system which is located in Mendocino County, showing the specific improvements and additions proposed and the estimated cost and anticipated completion date of each project.
3. Within two (2) months after the submission of such schedule of proposed improvements and additions, and bimonthly thereafter, defendant shall submit to this Commission in quadruplicate, and to complainant herein, reports showing the progress of the construction of the various projects listed in such schedule of plant improvements and additions. Such bimonthly progress reports shall be submitted until such time as defendant's scheduled construction work in Mendocino County is completed.
4. Complainant's request for adjustment in defendant's rates and charges for failure to provide a proper standard of service is hereby denied, except to the extent that the authorized rates, rules and regulations now on file with this Commission provide for adjustment in rates and charges.

5. Complainant's request for the transfer of the Leggett Valley District (from Lane's Flat to Little Dan Creek) from the Garberville exchange to the Laytonville exchange is hereby denied.

The Secretary is directed to cause a certified copy of this decision to be served upon defendant The Western Telephone Company and upon complainant herein.

The effective date of this order shall be twenty (20) days after the date of service upon said defendant.

Dated at San Francisco, California, this 27th day of

January, 1953.

A. T. Anderson
President.

James F. Casper
Harold P. Hale

Samuel P. Potter
John L. Mitchell
Commissioners.