

Decision No. 66040**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Redwood Empire Telephone System,  
a corporation,

Complainant,

vs.

The Pacific Telephone and Telegraph  
Company, a corporation,

Defendant.

Case No. 7716

INTERIM ORDER

The allegations of the verified complaint herein may be summarized as set forth below.

In February of 1962 complainant's management determined that upon completion of adequate toll trunking facilities to and scheduled modernization of its Cazadero central office, complainant would expand the boundaries of its Cazadero exchange westward to the Pacific Ocean to provide exchange and other grades of telephone service to Fort Ross and other named communities and their environs in Sonoma County. Central office modernization was completed September 2, 1962, toll trunking facilities were completed July 1, 1963, and direct distance dialing service was instituted.

On August 8, 1963 complainant's president appeared before a group of local residents desiring improvement in communication service. He advised the group concerning plans to expand the Cazadero exchange to provide modern dial exchange telephone service, and also advised the group that the following week complainant would file tariff revisions to accomplish such expansion. The meeting was attended by representatives of defendant, who took careful note of the announced plans for immediate expansion.

On August 13, 1963 defendant filed Application No. 45673, seeking authority to create a new "Timber Cove" exchange, comprising for the most part the same area complainant had planned to serve through expansion of its Cazadero exchange. On August 14, 1963 complainant transmitted for filing changes in its tariff schedules to enlarge its Cazadero exchange by adding territory wherein it had already received 72 requests for various grades of service.

On September 10, 1963 the Commission issued its orders suspending complainant's tariff filing, instituting an investigation (Case No. 7706) to determine what orders were appropriate, and consolidating Application No. 45673 and Case No. 7706.

On or about September 9, 1963 defendant began to dig holes and set new poles on Timber Cove Road, and to erect local distribution aerial cable along Fort Ross Road and Sea View Ridge Road in the overlapping area of complainant's proposed enlarged Cazadero exchange and defendant's proposed Timber Cove exchange. Defendant's crews are working on an unlimited overtime basis during all daylight hours seven days a week. Unless restrained, defendant will continue similar acts of construction for the purpose of being in position to advise the Commission when it considers the consolidated proceedings that defendant then has capability of providing exchange service in the general area.

All of such construction work of defendant is contrary to and in derogation of the Commission's authority and jurisdiction and its intention to protect the interest of all parties concerned, as evidenced by the consolidation of Case No. 7706 with Application No. 45673.

The complaint requests an immediate desist order so that the Commission may investigate all of the circumstances and render its appropriate order.

Good cause appearing, IT IS ORDERED that The Pacific Telephone and Telegraph Company, a corporation, and its officers, agents, and employees, pending further Commission order herein, shall immediately cease and desist and shall refrain from constructing any new "telephone line", as defined in Public Utilities Code section 233, or from constructing any additions to or extensions of any such existing "line", within or for service to the overlapping area of complainant's proposed enlarged Cazadero exchange and defendant's proposed Timber Cove exchange.

Hearing in Case No. 7716 is set for 10 o'clock a.m. on Wednesday, the 25th day of September, 1963 in the Commission Courtroom, State Building, San Francisco, California, before Commissioner Mitchell or Examiner Daly, or such other Commissioner or Examiner as may hereafter be designated, it being found that public necessity requires a hearing on less than 10 days' notice.

The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith upon The Pacific Telephone and Telegraph Company. Said defendant is directed to serve and file its answer to the complaint herein not later than the date of hearing, unless further time be granted by the presiding officer. The Secretary is also directed to cause a certified copy of this order to be served forthwith by registered mail upon The Redwood Empire Telephone System, a corporation.

Dated at San Francisco, California, this 18th day of September, 1963.

William L. Burnett  
 President  
George H. Grover  
Frederick B. Holmberg  
 Commissioners