Decision No. 84279

CRICINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CAMERON PARK COMMUNITY COUNCIL,

Complainant,

VS

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY.

Defendant.

Case No. 9564 (Filed June 5, 1973; amended July 6, 1973)

Gary L. Straus, for Cameron Park Community Council, complainant.

Richard Siegfried, Attorney at Law, for The Pacific Telephone and Telegraph Company, defendant.

Ermet Macario, for the Commission staff.

# OPINION

### Proceeding

After due notice, hearing was held on this complaint on November 2, 1973 and February 19, 1974 before Examiner Coffey in Sacramento. The matter was submitted upon the receipt of concurrent briefs due three weeks after receipt of the transcript.

Complainant requested, on March 6, 1974, that submission be set aside so that it could seek clarification of the studies and testimony of defendant. On March 12, 1974, counsel for complainant, with complainant's consent, withdrew his appearance. Further hearing was held in Sacramento on April 22, 1974 for the limited purpose of further cross-examination by complainant. The matter was submitted on the receipt of briefs due three weeks after receipt of the

transcript. The last transcript was received on June 19, 1974 but complainant was granted extended time to file its brief. Complainant filed its brief on October 2, 1974 at which time the matter was resubmitted.

Complainant requests "an order to the Pacific Telephone and Telegraph Company for it to adjust the type of telephone service for the residents and commercial interests in Cameron Park by including those telephone connections with the Sacramento metropolitan area systems so that Cameron Park telephones will be in the local call area for the Sacramento systems in the same general manner as the neighboring community of El Dorado Hills."

The complaint in this matter as filed by complainant essentially alleges discrimination in that the local calling area available to residents of the Cameron Park development is smaller than that available to the residents of the nearby development of El Dorado Hills. As a result, complainant asks that its local calling area be enlarged to include those areas available to residents of the El Dorado Hills development.

### Statement of Facts

Cameron Park is located in the Shingle Springs exchange of The Pacific Telephone and Telegraph Company (Pacific) along Highway 50 about 30 miles east of Sacramento. Placerville is approximately 10 miles east of Cameron Park. The Shingle Springs exchange, which is largely rural in nature, covers 116.4 square miles of area. It has an estimated population of 3,600 and serves 1,086 main telephones. In addition, there are 168 customers with Folsom foreign exchange service and 54 customers with Placerville foreign exchange service. Of these numbers, there are approximately 538 main Shingle Springs services, 117 Folsom, and 12 Placerville foreign exchange services within the boundaries of the Cameron Park development. Driving along Highway 50 from Sacramento, with the exception of the El Dorado Hills

development, the last 13 miles immediately west of Cameron Park are largely undeveloped.

The toll mileages and rates from the Shingle Springs exchange to nearby points are as follows:

	Toll <u>Mileage</u>	Toll <u>Rate</u>
Shingle Springs to Folsom	14	\$.20
Shingle Springs to Fair Oaks	19	.25
Shingle Springs to Sacramento-North D.A.	<b>25</b> **	-30
Shingle Springs to Sacramento-Main D.A.	31	-40
Shingle Springs to Placerville	9	-15

The El Dorado Hills development is located along Highway 50 approximately four miles west of Cameron Park. It is located within the Folsom exchange just west of the Folsom-Shingle Springs exchange boundary. The Folsom exchange has two-way non-optional extended area service to the Sacramento Main District Area (Sacramento Main), the Sacramento North District Area (Sacramento North), the Fair Oaks exchange, and the Citrus Heights District Area of the Roseville exchange.

### Issues

This complaint presents basically two issues. The first is whether the customers located within Pacific's Shingle Springs exchange suffer any unlawful discrimination. Assuming there is no evidence of unlawful discrimination, a further question remains as to whether there should be any change in the local calling area available to Shingle Springs's customers. As will be pointed out later, Pacific believes certain changes are warranted. Complainant rejects Pacific's proposal.

# Complainant's Presentation

Complainant presented ten witnesses in support of its request to rectify the telephone service now existing in Cameron Park which it considers to be costly, inadequate, cumbersome, and limiting.

C. 9564 ltc It is maintained that customers in the Shingle Springs area have a limited local calling area in comparison with most suburban areas and in particular with exchanges on either side of Shingle Springs. Customers in Placerville can make local calls as far as Kyburz and those in El Dorado Hills can make local calls to West Sacramento. Other factors presented in support of complainant are summarized as follows: There are no commercial areas in the Shingle Springs area. Schools, doctors, hospitals, and law enforcement officers are in foreign exchanges. Calls to foreign exchanges usually entail operator-assisted calling or toll charges. The greater portion of the Shingle Springs exchange serves a rural area where the majority of residents work in the Placerville-Shingle Springs area. 5. Cameron Park residents are primarily oriented toward the Sacramento metropolitan area where most work, bank, shop and go to doctors, dentists, barbers, beauticians, etc. Over 90 percent of residents of Cameron Park desire extended area service to the Sacramento metropolitan area if provided at a reasonable rate. Of the 528 services in Cameron Park, 117, or 21.7 percent, are Folsom foreign exchange. There is a waiting list for foreign exchange service to Folsom. Cameron Park subscribers pay a higher rate for basic service than subscribers in Shingle Springs since Cameron Park is a special rate area.

C. 9564 ltc Complainant's survey of Cameron Park residents shows: 64% work in Sacramento. 25% have family members attending b-Sacramento schools. 73% have Sacramento doctors or dentists. 80% bank in Sacramento. ď. 44% attend Sacramento churches and lodges. 70% feel they lose contacts with Sacramento friends and organizations because of toll charges. Cameron Park has grown from 594 residents in 1970 to the present 1,541 residents and 75 homes under 11. construction or vacant. Complainant finds toll calls annoying and cumbersome because: It is often difficult to get a long distance line; Operator identification of long distance calls often leads to erroneous charges: Calls from Sacramento to Cameron Park must be operator-assisted if charges are to be reversed or put on a credit card; Limitation of communication with businesses, societies, relatives, and friends; and Toll charges make Cameron Park telephone service unreasonably expensive. Witness for complainant indicated that a reasonable charge for the requested service would be about \$16 a month and would be less than the \$35 to \$40 cost of a foreign exchange line. Discrimination The central issue in any case alleging discrimination is not whether there are differences between the treatment accorded two parties, but rather whether that difference is unreasonable, unjust, undue, and hence, unlawful. A comparison of the local calling area of the Cameron Park development with that available to the El Dorado Hills development does not establish facts showing unlawful discrimination. -5Telephone rates are not based on the number of telephones that a subscriber can dial toll free. Local calling areas of Pacific exchanges vary in size throughout the state. If customers in an exchange could establish unlawful discrimination simply by comparing the size of their exchange with all or a portion of a nearby exchange, then all exchanges within the state could, by leapfrogging, compel the establishment of larger local calling areas without regard to the cost thereof or the revenue impact on Pacific or its customers in other exchanges.

The local calling area of subscribers in the El Dorado Hills development is considerably larger than that available to subscribers in Cameron Park. But this is because the El Dorado

The local calling area of subscribers in the El Dorado Hills development is considerably larger than that available to subscribers in Cameron Park. But this is because the El Dorado Hills development is on the easterly border of the Folsom exchange. The Folsom exchange is a large exchange located between Sacramento and Shingle Springs. The western portion of that exchange is considerably more developed than the Shingle Springs exchange and is considerably closer to Sacramento. This record does not establish that Shingle Springs and Cameron Park are a part of the Sacramento metropolitan area. This record does not demonstrate that residents in Cameron Park have suffered unlawful discrimination because they do not have the local calling area available to residents of El Dorado Hills. However, this is not to say expanded local calling should not be made available to customers in the Shingle Springs exchange.

### Expanded Local Calling Alternatives

Essentially, the complainant desires expanded local calling from Cameron Park to the Sacramento Main, the Sacramento North, and the Fair Oaks and Folsom exchanges. This could be accomplished in basically one of the following ways:

C. 9564 ltc Plan 1: Establish two-way non-optional extended area service from the Shingle Springs exchange to the areas desired. Plan 2: Move the Folsom exchange boundary to include Cameron Park and the immediately surrounding territory within the Folsom exchange as a Special Rate Area. Plan 3: Split the Shingle Springs exchange into two district areas and establish two-way non-optional extended area service from the western district area to the areas desired. Pacific and the staff do not recommend any of the foregoing plans as being appropriate. As Plan 4, Pacific proposes first that the Placerville exchange be divided into two district areas. Pacific then proposes that one-way non-optional extended area service be established between the Shingle Springs exchange and the Placerville West District Area (Placerville West) which includes downtown Placerville and the surrounding residential areas. Optional Calling Measured Service (OCMS) would be made available for those Placerville West one-party residential customers who have an interest in calling Shingle Springs. In addition, OCMS would be made available in both directions over the routes between Shingle Springs and Sacramento Main, Sacramento North, Fair Oaks, and Folsom exchanges. Under Plan 4, all Shingle Springs subscribers would have local calling to Placerville West. Optional Calling Measured Service, OCMS, for Placerville West single party residential customers will be available for those who have an interest in calling the Shingle Springs exchange. For interested residential customers OCMS will be available between Shingle Springs and the exchanges or district areas of Folsom, Fair Oaks, Sacramento North, and Sacramento Main. OCMS allows the customer to make two hours worth -7of nonoperator handled calls per month to the exchange or district area selected between the hours of 8:00 a.m. and 8:00 p.m. In addition to the two-hour "daytime" allowance, customers are permitted as many calls as they like and can talk as long as they like during the remaining twelve-hour period from 8:00 p.m. to 8:00 a.m. There is an overtime charge only if the customer exceeds the two-hour "daytime" allowance per month. This service is the same experimental tariff offering approved by the Commission for the Fresno area in Decision No. 81767 and the Modesto area in Decision No. 82390 with one short term temporary exception. For 3 to 6 months, Sacramento Main subscribers who want OCMS to Shingle Springs and who have a number prefix of 442, 443, 446, 447, or 448 would be given a telephone number change to a 441 or 444 prefix. This exception would be eliminated by the middle of 1976 because the existing switching machine is scheduled for replacement at that time.

## Pacific's Position

Pacific's position on Plans 1 and 3 is summarized as follows: Plans 1 and 3 would involve the establishment of two-way non-optional service over two routes which would considerably exceed the length of any two-way non-optional routes presently being provided by Pacific. These routes are the two to the Sacramento district areas which are 25 and 31 rate miles in length, respectively. The "Salinas" formula, approved by the Commission for use in calculating rate increments for extended area service, does not provide for routes beyond 25 miles in length. These two plans would result in significant increases to customers many of whom make no calls over the routes in question.

C. 9564 1tc Pacific's witness testified that it would seem inappropriate to consider more than doubling the basic monthly charges for customers who have no need or desire to call over the routes in question-Plan 2, the boundary change, would also involve an increase in rates to customers who do not use the route. This increased charge, namely \$1.95 to those subscribers not calling over the routes, would similarly appear to be unjustifiable. Boundary revisions can cause other problems. This was reflected by the testimony of the president of the Shingle Springs Business & Professional Association when he said: "Boundaries as we go along from our point of view there, the Association, if there were another large housing development started at the other side of Shingle Springs between Shingle Springs and Placerville, you would have the same proximity as what they have in Cameron Park or El Dorado Hills. You would have then the same situation as a new housing facility to Cameron Park. And it is kind of like step maintenance as you go along. If you get one, you have to start including the next and the next. So really we do have a problem." (Tr. 17-18). He indicates later that the possibility of a future development is quite high. Pacific believes that OCMS is appropriate over the four routes in question toward Sacramento because the OCMS plan would allow the residential customers who have a need to call over any of the four routes to select the routes they desire without spreading the cost burden to the many subscribers who have no need for the service. -9-

C. 9564 ltc Pacific believes one-way non-optional extended area service to Placerville West would be appropriate for the following reasons: 1. Placerville is only nine rate miles from Shingle Springs, and the usage factors show that Shingle Springs and Cameron Park have a greater interest toward Placerville than to any other exchange. Placerville is the El Dorado County seat. It is here that the residences of the Shingle Springs Exchange find the Health Department, the County Sheriff, the County Attorney, and other county services. 3. Placerville provides shopping, service outlets, medical services, hospitals, social organizations, restaurants, recreational facilities, and employment. Pacific believes that OCMS over the return route is justified on the basis of the low usage and community of interest .factors from Placerville to Shingle Springs. Based on the above factors as well as the cost of the proposal both to Pacific and its customers, Pacific believes that its service proposal is appropriate. Staff Position The Commission's staff recommends authorization of Pacific's Plan 4, and that the optional calling plans be authorized for a 24month experimental period to permit study and evaluation of the plans. The staff argues that, although customer toll usage is greatest to Placerville as compared to usage to Fair Oaks, Folsom, and Sacramento, these indicators are offset in part by Cameron Park FEX development and the differences in toll rates. The staff stated that any of the first three plans would satisfy the complaint but would be extremely costly. Each of the first three plans would require significant rate increases in Cameron Park plus substantial subsidization by ratepayers statewide. -10-

# Cost of Alternate Service Plans

The following tabulation compares the total net annual loss and the gross construction cost of the alternate service plans considered:

# Economic Effect of Alternate Service Plans

Description of Plan	Total Net Annual Loss	Gross Construction Cost
Plan 1 - Provide two-way non-optional extended service - Shingle Springs Exchange to Folsom, Fair Oaks, Sacramento North, and Sacramento Main	\$215,500	\$1,110,000
Plan 2 - Establish Cameron Park Special Rate Area and consolidate with Folsom Exchange	256,000	850,000
Plan 3 - Establish Cameron Park District Rate Area of Shingle Springs Exchange and provide two-way non-optional service to Folsom, Fair Oaks, Sacramento North, and Sacramento Main	132,300	1,100,000
<u>Plan 4</u> - Provide one-way non-optional extended service from Shingle Springs Exchange to Placerville West and OCMS from Placerville West back to Shingle Springs; two-way OCMS between Shingle Springs-Folsom, Fair Oaks, Sacramento North, and Sacramento Main	41,500	103,000
Rates		· · · · · · · · · · · · · · · · · · ·

The following tabulation compares present Cameron Park rates with those for service under the alternate plans considered herein and for service in Folsom and El Dorado Hills:

#### Basic Telephone Rates \*\*

	Rate Per Month					
Class of Service	Cameron Park	Folsom*	El Dorado Hills	Plan 2	Plan 3	Plan 4
Business						
Individual line	\$11.25	\$6.00-80	\$7-30-80	\$7.95-80	\$23.75	\$13.00
Two-party line	8.25	#	#	#	20.75	10-00
Suburban	7-55	7-55	#	#	20-05	9-30
PBX trunks	16.75	3-00	4-30	4-95	35.50	19-50
Semi-public coin	5-75	6.00	7-30	7-95	12.00	6.50
Farmer line	2.30	2.30	2-50	2.60	14-80	4-05
Residence						
Individual line	4-80	4-80	6.10	6.75	9.00	5-40
Two-party line	4-00	4-00	4-70	5-05	6-50	4-60
Four-party line	3.20	3-20	3-70	3-95	4-70	3-80
Suburban	3-70	3.70	#	#	5-20	4-30
Farmer line	1.20	1.20	1.40	1.50	2.70	1.80

<sup>\*</sup> Base Rate Area.

The rates for Plan 1 are not included in the foregoing tabulation inasmuch as the prescribed Salinas formula does not provide for route miles in excess of 25 miles. A special rate would have to be authorized for the Shingle Springs to Sacramento North district area route which is 31 miles long.

<sup>#</sup> Not offered.

<sup>©</sup> To the basic rate for residence service would be added an increment for each exchange or district area (D.A.) selected by subscriber for OCMS service.

<sup>\*\*</sup> These rates do not include increases in rates that became effective August 17, 1974 pursuant to Decision No. 23162. For example, the individual line residence rate increased 90 cents per month, with this increase added to the rates for each locality and Plan on the tabulation.

The proposed rates for OCMS under Plan 4 are set forth as follows:

Proposed Rates For Optional Calling Measured Service (OCMS) - Residence Individual Line Class Of Service

The basic rate increments for OCMS, a one-way service, apply to Column (1) Exchanges for each Exchange or District Area and apply to each route selected.

From Exchange/D.A. E		Basic Calling Fime Allowance Per Month*	Basic Rate Increment Per Month	Overtime Rate Per Minute
Shingle Springs	Folsom	2 hours	\$2.75	\$-03
Shingle Springs	Fair Oaks	2 hours	2.75	•03
Shingle Springs	Sacramento Nort	th 2 hours	3.95	-04
Shingle Springs	Sacramento Mair	2 hours	3-95	-04
Placerville West	Shingle Springs	s 2 hours	2.75	-03
Folsom	Shingle Springs	2 hours	2.75	-03
Fair Oaks	Shingle Springs	2 hours	2.75	•03
Sacramento North	Shingle Springs	2 hours	3.95	•04
Sacramento Main	Shingle Springs	2 hours	3-95	-04

<sup>\*</sup> Applies to calls from 8:00 a.m. to 8:00 p.m. daily. Calls made during other hours will not be considered as a part of the basic time allowance.

# Community of Interest Factor

On the last hearing day Pacific revised its showing of community of interest factors to separate those of Cameron Park from those of the entire Shingle Springs exchange area as follows:

# Community of Interest Factors

Route	Average No.* Messages Per Account (C.I.)		Percent Route#			
Terminating			Users		Nonusers	
Exchange/D.A.	Res.	Bus.	Res.	Bus.	Res.	Bus.
			Shingle Springs			
Folsom	2.67	5-88	55	58	45	42
Fair Oaks	-71	1-30	27	35	63	55
Sacramento North	2.21	5-74	52	54	48	46
Sacramento Main	2.85	8.68	63	62	37	38
Placerville	9.18	30.16	88	83	12	17
•	Cameron Park					
Folsom	2.91	9-93	65	71	35	29
Fair Oaks	1.10	1.21	43.0	57	57	43
Sacramento North	2.79	8-50	61.0	79	39	21
Sacramento Main	3.89	18.40	73	86	27	14
Placerville	7-38	31-20	92	100	8	0

<sup>\*</sup> The "average number of messages per account" is the average number of telephone calls placed per month by either residential or business subscribers in the indicated area.

<sup># &</sup>quot;Percent route-users" indicates the percentage
of subscribers that place one or more calls
a month over the designated route and
"nonusers" is the percentage of subscribers
that do not place any calls over the route.

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The above community of interest factors do not reflect FEX usage. Some measure of the impact of FEX usage on community of interest percent route usage factors can be obtained from Exhibit No. 3 which sets forth for the Shingle Springs exchange the percent route factors adjusted and unadjusted for FEX services. Depending on the route, the percent route factors for Shingle Springs residential users increased in percentages ranging from 1.2 percent to 8.4 percent and for business users increased in percentages ranging from 6.0 percent to 19.5 percent. The greatest increase is for the FEX route terminating in Fair Oaks.

### Discussion

Each of Plans 1, 2, and 3 would satisfy the complaint. Each would be so costly as to require significant rate increases in Cameron Park plus subsidization of Cameron Park residents by rate-payers living outside of Cameron Park. Plan 1 would require an annual subsidy of about \$325 for each customer living in Cameron Park, Plan 2 would require an annual subsidy of about \$385, and Plan 3 would require an annual subsidy of about \$200. Although Plan 4 would also require a subsidy of about \$60, it would require only approximately one-tenth of the amount of investment required by the other plans.

The Commission has consistently viewed situations, such as the one that the complaint brings before us, from the basic premise that if unreasonable discrimination between customers, or classes of customers, and unreasonable rate burdens on nonparticipating customers are to be avoided, the loss of toll revenues, which occurs when local free-calling areas are expanded, must be offset by reasonably increased exchange revenues. Where this basic premise could be met substantially, EAS plans have been authorized. Where offsetting revenues could not be obtained at reasonable rates or where a return on the additional investment could not be provided at reasonable rates, the plans have not been authorized.

With EAS and consolidation of exchanges seeming to be a bargain, however, the desire for toll-free calling has placed increasing pressure on the telephone utilities to provide it. Many proposals, economic studies, customer surveys, rate proceedings, and Commission investigations have been devoted to finding a reasonable means by which the economic facts of life might be brought into balance with the public's desire for expanded local calling areas. In Decision No. 77311 dated June 3, 1970, in addition to increasing EAS rates to more adequately meet the foregoing basic premise, the Commission urged Pacific, pending statewide establishment of measured service, to develop optional service plans. Such plans were visualized as not requiring all subscribers, regardless of benefit or need, to pay for expanded local calling, but as permitting the use of plant margins where available to meet the expansion of local calling without major construction costs, and as affording a measure of relief to subscribers with wide area and high usage requirements.

OCMS is the most recent of the plans developed by Pacific in response to the continued pressure by some subscribers for expanded calling. It is designed to have the flexibility which will permit it to be custom-tailored to minimize costs to those users who have higher calling usage and wider calling area requirements than average customers and which at the same time does not require participation of those who do not need expanded calling or who wish to minimize their telephone bills. Limited daytime and unlimited night use is specified to encourage off-peak use of facilities which minimizes increases in revenue and construction costs. The plan has been called "experimental" by the Commission mainly to alert potential users and Pacific that rates for OCMS service may have to be increased if the revenues desired from the plan do not recover the cost of the plan. Presently, we do not know if customers will accept or reject the plan at proposed rates.

The Commission welcomes all suggestions for its consideration which will assist in solving this difficult problem with which it has continually wrestled for years. The Commission is keenly aware in this time of inflation of the need for increases in calling area with minimum increases in cost. It appreciates the savings in time and energy which result from the use of the telephone in place of the automobile. What the Commission has not been able to solve to date is how to give greater service to one group of customers without creating burdens on others. We shall continue to strive for an answer, but at this time the most we can provide for complainant is the plan recommended by Pacific and our staff. We shall endeavor to provide the service at a date earlier than the two years proposed by Pacific.

# Findings of Fact

We find:

- l. Complainant has not established that the local calling area available to the residents of the Cameron Park development, which is smaller than that available to the residents of the El Dorado Hills development, has resulted in unreasonable discrimination against the residents of the Cameron Park development.
- 2. Residents of the Cameron Park development have not suffered discrimination with respect to their toll-free calling areas.
- 3. The indicators of usage developed by Pacific are reasonable for the purposes of this proceeding.
- 4. Expansion of local telephone service to residents of the Cameron Park development under Plan 1, Plan 2, or Plan 3 would result in not less than the total net annual losses and the increased gross construction costs heretofore tabulated.

- 5. Provision of expanded local telephone service to residents of Cameron Park development under Plan 1, Plan 2, or Plan 3 would result in unreasonable burdens on and discrimination against other customers of Pacific.
- 6. Residents of Cameron Park development have large communities of interest with, and have need of expanded local calling to, Sacramento and Placerville.
- 7. Expansion of local telephone service to residents of the Cameron Park development under Plan 4 would result in a total net annual loss of approximately \$41,500 and a gross construction cost of \$103,000.
- 8. Provision of local telephone service to residents of the Cameron Park development under Plan 4 will not result in unreasonable burdens on, or discrimination against, other customers of Pacific.
- 9. Establishment of expanded local telephone service to residents of Cameron Park development under Plan 4 is in the public interest.

We conclude that the relief requested should be denied but that defendant should be required to offer expanded local calling to the residents of the Cameron Park development under Plan 4 at the earliest possible date.

## ORDER

#### IT IS ORDERED that:

- 1. The relief requested is denied.
- 2. On or before July 1, 1975 The Pacific Telephone and Telegraph Company shall apply to this Commission for authorization to provide one-way non-optional extended service from the Shingle Springs exchange to the Placerville West district area and optional calling measured service from Placerville West back to Shingle Springs and to provide two-way optional calling measured service between the Shingle Springs exchange and the exchanges or district areas of Folsom, Fair Oaks, Sacramento North, and Sacramento Main.
- 3. At the time application is made as ordered in Paragraph No. 2, Pacific shall present a plan for implementing the ordered service, by stages, if necessary, by the earliest economically feasible date.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this // APRIL , 1975.

Commissioners

Commissioner Robert Batinovich

Present but not participating.