

ORIGINAL

Decision No. 84429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM A. CHURCHILL,

Complainant,

vs.

THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 9855
(Filed January 7, 1975)

William A. Churchill, for himself, complainant.
Michael J. Ritter, Attorney at Law, for The
Pacific Telephone and Telegraph Company,
defendant.

O P I N I O N

Complainant seeks an order requiring defendant to cease and desist installation of overhead cable along a portion of Cervantes Road in the town of Portola Valley. This request was denied in Decision No. 83992 dated January 14, 1975.

Complainant further seeks a delay of six months in any installation while alternate means of extending service are explored and appropriate material obtained. Complainant also requests that new service to the area for which the installation is extended be delayed for a six-month period.

A public hearing was held before Examiner Porter at San Francisco on January 21, 1975, and the matter was submitted.

Complainant resides at the corner of Peak Lane and Cervantes Road in the town of Portola Valley. He is an architect and his home is oriented toward a view of the San Francisco Bay. During construction of his home two years ago, he and other residents of Peak Lane paid for the undergrounding of the telephone cable along Peak Lane. During the middle of December 1974, he discovered that defendant was in the process of constructing a new overhead telephone cable along Cervantes Road. After contacting defendant, further construction was discontinued until January 6, 1975.

The record shows that on July 9, 1974, defendant presented to the committee on undergrounding of the town of Portola Valley, which acts in an advisory capacity to the town council, a proposal to construct an overhead cable along either Golden Oaks or Cervantes Road for the purpose of replacing existing cable, which had reached the point of exhaustion, and to accommodate additional growth within the area. Shortly thereafter, the undergrounding committee checked both proposed routes and decided that the cable would have less visual impact along Cervantes Road than it would have along Golden Oaks.

Complainant contends that neither he nor any other residents in the area were given notice of the meeting by the undergrounding committee, which the chairman of the committee testifying on behalf of complainant admitted, and further contends that the construction of the overhead cable was in violation of an ordinance of the town of Portola Valley, which requires all cable to be placed underground unless an exception has been filed and the town engineer determines that undergrounding is impractical and a reasonable alternative is available. Complainant also contends that he, as well as members of the undergrounding committee, was taken advantage of by defendant in that defendant failed to fully inform him and the committee of his and

their procedural rights, and that in addition thereto defendant failed to comply with the requirements of the California Environmental Quality Act.

Defendant introduced the testimony of the design engineer who was in charge of constructing the cable along Cervantes Road. He testified that the 300-pair aerial distribution cable was installed to replace an existing 26-pair aerial distribution cable located along Cervantes Road between Westridge and Cresta Vista, which had been physically deteriorated to the point where service was being affected by its poor condition; that in 1974 defendant had 29 trouble repairs; that the new cable was also installed to accommodate approximately 20 new homes under construction in the Portola Green Subdivision and 6 to 8 new homes located off Golden Oaks; that in July 1974, after an on-sight inspection, the members of the undergrounding committee selected Cervantes Road as the location of the new cable, which cost \$23,200 to install as opposed to the estimated cost of \$12,180 for installation along Golden Oaks; that on December 19, 1974, complainant requested further delay and construction of the cable was not resumed until January 6, 1975; and that if underground construction of the cable was desired it could be accomplished by compliance with defendant's tariff Cal. P.U.C. 36-T Rule No. 32.

After consideration the Commission finds that:

1. Defendant has constructed an overhead telephone cable along Cervantes Road in the town of Portola Valley, and the cable is visible from complainant's residence located at 10 Peak Lane.

2. Two years prior to construction of the overhead cable, complainant and his neighbors paid for the undergrounding of a telephone cable along Peak Lane.

3. The new cable along Cervantes Road was installed to replace a smaller overhead cable that had deteriorated and to accommodate newly constructed homes, new homes under construction, and those which are planned for construction.

4. The new cable was constructed in January of 1975, following meetings before the committee on undergrounding of the town of Portola Valley in July 1974.

5. The decision to construct the cable along Cervantes Road was made by the members of the committee following an on-sight inspection.

6. Defendant is not obligated to instruct either complainant or the undergrounding committee on matters of procedure.

7. Defendant was not required to obtain Commission approval prior to installing the cable.

The Commission concludes that relief is not warranted.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 13th
day of MAY, 1975.

James L. Sturgeon
President
William J. ...
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Commissioners