

DECISIONS OF

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

January 3, 1928, to August 30, 1929

VOLUME 9



HARRISBURG, PENNSYLVANIA

1929

purchased from the Pennsylvania operators is for delivery in approximate equal monthly quantities as indicated by the record, the maximum monthly delivery being in 1924, 12.2%, minimum monthly delivery 7% and the average 8.33% of the total.

Operating statistics of the company indicate an increase in price of gas sold for domestic consumption from 27½c per M. c. f. in 1917 to 60c in 1924, and during this period the average annual bill for domestic service has increased from \$31.60 in 1917 to \$55.30 in 1924. In the face of this increase in the cost of domestic natural gas service these domestic customers have increased in number from 73,651 to 100,000.

With reference to the increase in rate charged customers residing in the company's Eastern Zone, which extends as far east as Altoona and Hollidaysburg, over that charged to customers in the Pittsburgh Zone, under P. S. C. Pa. No. 10, it appears from the evidence that the added cost of such eastern zone service is justified and the respondent company has satisfactorily met the burden of proof in this respect.

The reproduction cost estimate of respondent contains items which do not properly belong in such estimate or are excessive, and all of its claims for annual allowances cannot be sustained. However, after a careful review of all the facts and making all reasonable reductions in respondent's claims, the Commission is convinced that the revenue produced under the tariffs complained against will not produce an excessive net return upon any fair value which we could reasonably find for respondent's property. Therefore, we find that the rates involved are not unjust or unreasonable and the complaints will be dismissed.

DUNMORE LODGE NO. 382, BROTHERHOOD OF RAILROAD
TRAINMEN

vs.

ERIE RAILROAD COMPANY

COMPLAINT DOCKET No. 7538

Service—Railroads—Crews—Evidence.

A complaint alleging inadequate freight train crews and asking for the assignment of an additional brakeman was dismissed where there was nothing in the evidence which would justify the Commission in finding that an additional brakeman would materially contribute to either the safety of the public or the employes. Efficiency of operation is a matter primarily for the officials of the railroad company.

G. B. Rowand for Complainant.

G. C. James for Respondent.

REPORT BY THE COMMISSION, *November 20, 1928:*

The complaint in this case is filed by Dunmore Lodge No. 382, Brotherhood of Railroad Trainmen, and substantially alleges that the respondent, the Erie Railroad Company, employs inadequate crews in the operation of freight trains on the Wyoming Division between Avoca, Pennsylvania, and Port Jervis, New York. The present crew consists of an engineer, fireman, conductor, one brakeman and a flagman. The petition is for an additional brakeman.

The complainant cites instances involving trains of 120 and 104 cars, respectively, in support of its contention that a crew of five employes is not sufficient to properly handle long train movements.

At the hearings of the case, complainant's witnesses testified that an additional brakeman would enhance the safety of operation by aiding in the inspection of train equipment, by performing duties incident to the cutting of trains at grade crossings, by flagging in the event of an accident the character of which might call for added protection and by assisting in passing signals from one end of the train to the other. It was testified that by reason of the physical characteristics of some parts of the line in conjunction with long trains it is now impossible to pass signals to the engineer and that an enlargement of the train crew is essential to a satisfactory system of communication.

This phase of the case is practically similar to that embodied in a complaint recently dismissed by the Commission, at 8 Pa. P. S. C. 515, which said:

"In any case this allegation is not material, as signals need not be transmitted directly from the rear end of the train, but can be relayed with the present crew if they are stationed along the train for that purpose. In practice, the members of the present crew are not usually out on the train for the purpose of relaying signals and no additional advantage would be gained by adding another member of the crew. The same statement also applies to the contention that an additional brakeman is necessary for observing broken riggings, etc., on the cars in motion."

There is testimony in the complaint at issue to the effect that the relaying of signals can be accomplished by the crew as now constituted but that by the assignment of an additional brakeman this character of work could more expeditiously be performed. Similar testimony was offered respecting the coupling of cars and other duties of the train crew.

The respondent company contends that an extra man is unnecessary on those trains; that he would be useful only in case of accidents to expedite train movements, but would not increase the safety of its employes or the public. It showed that no injury to an employe has occurred in an accident which an extra man would have prevented, and no evidence of property damage due to the absence of an extra man was shown.

The Commission would not be justified in substituting its judgment for that of the officials of the railroad company as to the most efficient manner of operating its trains, unless its present practices adversely affect the public convenience or the safety of its patrons, employes or the public. The trains involved are freight trains, and no question of public convenience or safety of patrons is involved. After reviewing the testimony and carefully considering all the facts and circumstances relating to this case and having in mind the general and reasonable practices employed by the railroads of today we find nothing substantial which the complainant has presented to justify the Commission in finding that the employment of an additional brakeman would materially contribute to either the safety of the public or the employes: therefore the complaint will be dismissed.

KINTNER

vs.

JOHNSTOWN TELEPHONE COMPANY

COMPLAINT DOCKET No. 7200

Telephone companies—Rules and regulations—Deposit requirements—Reasonableness.

Where, under its rule, a telephone company may require an advance deposit based on the patron's probable toll usage, the company is not justified in basing the advance deposit required upon both local rentals and long distance charges.

An advance deposit of \$20 by complainant and \$40 by his daughter with \$19.30 long distance phone charges as a guide, the amount having been substantially incurred by one person only, is an unreasonable requirement. Respondent was ordered to reestablish its service upon receiving an advance deposit of not in excess of \$20 from each one.

Stephens & Kintner and Tillman K. Saylor for Complainant.

George E. Wolfe and George Ross Hull for Respondent.