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CHAPTER 235

GRAIN, GENERAL PROVISIONS

235.01 SUPERVISION OVER GRAIN

Nondiscriminatory state prohibition of exports, a state may not curtail the movement of goods in interstate commerce for the purpose of protecting a local economic interest. 34 MLR 60.

Storage of alfalfa seed, sweet clover seed, red clover seed, and all other grass seed, grown in commercial quantities under contract entered into by warehousemen and commodity credit corporation would not subject the warehousemen to the storage regulations of Laws, 1949, Chapter 232, as amended, relating to public local grain warehouses. OAG Sept. 4, 1951 (215-C-8).

235.10 UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF GRAIN

Monopolies, royalties in compulsory licensing of patents. 32 MLR 309.

235.18 ENFORCEMENT

Anti-trust and the new economics. 37 MLR 505.

Legal meaning of monopoly. 37 MLR 539.

CHAPTER 237

TELEPHONE AND TELEGRAPH COMPANIES

237.02 UNDER RAILROAD AND WAREHOUSE COMMISSION

Appointee member may participate in decisions of a telephone rate case even if he did not hear the testimony taken before his appointment, basing his opinion on examination of the transcribed testimony. OAG July 26, 1949 (371-A-5).

237.06 RATES TO BE FAIR AND REASONABLE

Liability of telephone companies to subscribers for special damages. 33 MLR 191.

A cooperative rural telephone association may not discontinue its service to some of the public simply because they are not members of the association. Such service can be discontinued only for cause shown to the railroad and warehouse commission. OAG June 13, 1952 (93-B-33).

Parties to a sale and purchase of telephone properties cannot insert provisions in the contract of sale relating to telephone rates to be charged by the transferee so as to limit the jurisdiction of the railroad and warehouse commission over the telephone rates as prescribed in sections 237.06 to 237.09. OAG May 16, 1952 (371-B-13).

237.14 FREE OR REDUCED RATES TO OFFICERS

Section 237.14 permits the telephone company to furnish free telephone service to certain municipal officers and the telephone company is not relieved from its

contract by being placed under the jurisdiction of the railroad and warehouse commission; but where the franchise was granted on Feb. 11, 1909 for a period of 30 years, the contract expired on Feb. 11, 1939. If the city had any vested rights to free telephone service under the franchise, such vested right, if any, is barred by the statute of limitations. OAG May 7, 1948 (98-A-17).

237.15 AUTHORITY DELEGATED

Demeanor evidence is of little consequence in rate cases. Statutory provisions and the rules of the commission do not require the members of the railroad and warehouse commission to hear personally all the testimony in rate cases which they are required to decide. It is the duty of the commission to see that the rates fixed are fair both to the public and to the public utility. In fixing the rates the commission acts as an administrative body regardless of the personnel comprising the body. Where one of the three commissioners who heard the testimony died before a decision was rendered, the successor appointee may render his decision on the pending rate case from the records of the proceedings even though he has not heard the testimony of the witnesses personally. OAG July 26, 1949 (371-A-5).

237.18 SURRENDERING OF LICENSE; NEW AUTHORITY

Section 237.14 permits the telephone company to furnish free telephone service to certain municipal officers and the telephone company is not relieved from its contract by being placed under the jurisdiction of the railroad and warehouse commission; but where the franchise was granted on Feb. 11, 1909 for a period of 30 years, the contract expired on Feb. 11, 1939. If the city had any vested rights to free telephone service under the franchise, such vested right, if any, is barred by the statute of limitations. OAG May 7, 1948 (98-A-17).

237.21 VALUATION OF TELEPHONE PROPERTY

HISTORY. 1915 c 152 s 18; Mason's 1927 s 5304; 1953 c 25 s 1, 2.

237.31 Repealed, 1951 c 113, s 2.

237.32 APPLICATION, TO WHAT COMPANIES

HISTORY. Amended, 1951 c 113 s 1.

237.33 TOWN BOARDS MAY CONSTRUCT TELEPHONE SYSTEMS FOR FIRE PROTECTION

Where, as a part of forest fire protection, the town maintains a telephone system the cost of maintenance is paid by the town. OAG Aug. 11, 1952 (98-C-3).

A town board which operates a telephone system and removes brush from the telephone line as maintenance may pay the expense thereof from a fire fund provided in section 88.04. OAG Sept. 15, 1952 (916-B).

237.35 TAX LEVY FOR CONSTRUCTION

HISTORY. 1921 c 439 s 3; Mason's 1927 s 5314; 1949 c 238 s 1.

237.36 RENTALS FIXED

A town board may contract with a telephone company for collection of switching charges. OAG Feb. 27, 1952 (98-A-23).

237.37 BONDS TO CONSTRUCT

An organized town is authorized, for the purpose of constructing and maintaining a town telephone system, to issue and sell its bonds under the procedure provided by section 475.52, subdivision 4. OAG Nov. 16, 1951 (43-B-5).

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WEIGHTS, MEASURES 239.17

A town may borrow money from the state board of investment for the purpose of the upkeep and repair of a town telephone system. OAG May 10, 1951 (928-A-9).

237.39 PRIVATE TELEPHONE LINES SOLD TO TOWN

A town owning and operating a telephone system authorized under section 237.33, may under authority of section 237.39 sell and transfer a part of said system to private parties, if in its discretion the town board deems it for the public benefit. OAG June 16, 1950 (434-A-8).

237.40 MANAGEMENT

HISTORY. 1921 c 439 s 8; GS 1923 s 5319; MS 1927 s 5319; 1929 c 150 s 2.

Circumstances and conditions being authorized legally, a town-owned telephone system may be leased by the town board to private individuals for a reasonable compensation. OAG July 29, 1953 (98-C).

237.44 LIABILITY FOR DAMAGES

Liability of telephone companies to subscribers for special damages, intrastate messages. 33 MLR 191.

237.45 TELEPHONE AND TELEGRAPH LINES CONSTRUCTED

HISTORY. 1901 c 21; RL 1905 s 2932; GS 1913 s 6260; GS 1923 s 7549; MS 1927 s 7549.

CHAPTER 239

WEIGHTS, MEASURES

239.01 DEPARTMENT CREATED; JURISDICTION

HISTORY. 1861 c 39 s 1-4; 1866 c 21 s 1-4; 1874 c 76 s 1; GS 1878 c 21 s 1-4; GS 1894 s 2195-2198; RL 1905 s 2722, 2723; 1911 c 156 s 1; MS 1927 s 5270.

239.02 COMMISSIONER; DEPUTIES, EMPLOYEES

HISTORY. 1887 c 10 s 19; GS 1878 Vol 2 (1888 Supp) c 6 s 77s; GS 1894 s 397; RL 1905 s 1959; 1911 c 140 s 3; 1911 c 156 s 2; 1921 c 382 s 1; MS 1927 s 4634, 5271.

239.05 DEFINITIONS

HISTORY. Amended, 1949 c 549 s 1, 2.

239.13 PACKING PLANTS AND STOCKYARDS, WEIGHERS

HISTORY. 1935 c 216 s 2; Mason's Supp s 5285-12; 1951 c 230 s 1.

239.14 FEES

HISTORY. 1935 c 216 s 3; Mason's Supp s 5285-13; 1951 c 360 s 2.

239.17 RULES AND REGULATIONS

HISTORY. 1935 c 216 s 7; Mason's Supp s 5285-17; 1949 c 549 s 3.