

Decision No. 17230.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
H. L. NAY to sell the NAY TELEPHONE
LINE.

Application No. 12903.

H. L. Nay, in propria persona.
W. F. Holmes, Jr., for Knights Valley
Telephone Association.

BY THE COMMISSION:

O P I N I O N

This is an application of H. L. Nay, operating as The Nay Telephone Line, in which he asks permission to sell for the sum of One Thousand Five Hundred (1,500) Dollars his telephone property consisting of a franchise, wire, poles, telephones and other equipment, to the Knights Valley Telephone Association.

A public hearing in this case was held before Examiner Fankhauser in the town of Calistoga on August 5th, 1926.

H. L. Nay furnishes service to some twenty-six (26) subscribers by means of lines owned and maintained by him and extending west of the city limits of Calistoga, Napa County, to the easterly line of what is known commonly as Knights Valley, Sonoma County, California. H. L. Nay does not own or operate a central office switch-board but his lines are connected with those of the California Telephone and Light Company at the city limits of Calistoga and the

California Telephone and Light Company does the central office operating for H. L. Nay. For such service H. L. Nay pays the California Telephone and Light Company, in accordance with the latter's regular farmer line rate schedule, for such subscribers as may be connected to the lines of H. L. Nay.

The properties which H. L. Nay asks permission to sell include two circuits consisting of approximately three hundred and sixteen (316) Redwood poles varying from sixteen (16) feet to eighteen (18) feet in height and approximately twenty-eight and one half (28½) miles of No. 12 B. W. G. galvanized iron telephone wire.

If this application is granted, it is the intention of the present subscribers to furnish telephone service as a mutual company. To this end the Knights Valley Telephone Association has been organized as a non-profit Association for the purpose of acquiring the Nay Telephone Line and operating the same as a non-profit enterprise. It appears that all the subscribers but three have become members of this Association. It further appears that the by-laws make provision for new members joining the Association and it is the intention of the Association to furnish service only to members thereof.

Representatives of the Association are of the opinion that by acquiring this telephone line the present telephone service can be improved and service can be furnished at a lower charge than that now being made.

If this application is granted the Knights Valley Telephone Association would thereby become a farmer line subscriber of the California Telephone and Light Company under its present rates, rules and regulations and the members of the Association receiving telephone service would also thereby be within territory served by the California Telephone and Light Company. At the hearing in this

matter the California Telephone and Light Company submitted evidence to the effect that if this application is granted that it would provide telephone service throughout the territory now served by H.L. Nay under the effective rates, rules and regulations of the California Telephone and Light Company. There appears to be no reason why this application should not be granted.

O R D E R

H. L. Nay, operating as the Nay Telephone Line, having asked this Railroad Commission for authority to sell his entire telephone properties to the Knights Valley Telephone Association for the sum of One Thousand Five Hundred(1,500) Dollars, a public hearing having been held and the matter submitted,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AS A FACT that it will be in the interests of the telephone subscribers of Knights Valley that this application be granted and that H. L. Nay should be allowed to cease and abandon all public telephone utility operations and that the territory now served by H. L. Nay should be served by the California Telephone and Light Company.

Basing its order on the above findings of fact and other findings as set forth in the opinion preceding this order,

IT IS HEREBY ORDERED that H. L. Nay be, and he is hereby, authorized to sell his entire telephone line, plant and system referred to herein for the sum of One Thousand Five Hundred (1,500) Dollars to the Knights Valley Telephone Association and to cease and abandon all public telephone utility operations on and after the effective date of the sale herein referred to, provided that this sale shall have been made on or before Octo-

ber I, 1926, and that a certified copy of the instrument of this sale shall be filed with the Railroad Commission by H. L. Nay within thirty (30) days after date of such sale.

IT IS HEREBY FURTHER ORDERED that the effective date of this order shall be twenty (20) days from and after the date hereof:

DATED at San Francisco, California, this 17th day of August, 1926.

H. P. Brundige

C. Seaver

Leon Whittell

Thos. Howard

Commissioners.