

LBM

Decision No. 21284.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
RINDGE LAND AND NAVIGATION COMPANY,
a corporation, and A. S. COOPER, for
an order authorizing said Rindge Land
and Navigation Company to transfer and
convey to said A. S. Cooper certain
public utility properties.

) ORIGINAL

) Application No. 15744

O'Melveny, Tuller & Myers, and Wm. W. Clary,
for applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Railroad Commission has been asked to make an order authorizing Rindge Land and Navigation Company to transfer and convey, and A. S. Cooper to acquire, certain telephone properties.

The application shows that Rindge Land and Navigation Company is a corporation organized and existing under and by virtue of the laws of the State of California and engaged in the business of owning, developing and operating large areas of farm land in the vicinity of Stockton, California, and in particular in those tracts of land known as Rindge Land Reclamation Districts Nos. 2036, 2037, 2038 and 2039, and that in connection with said operations and for the convenience of its employees and tenants, of owning and operating a small telephone system.

It is of record that the telephone system serves the area known as the aforesaid reclamation districts. The switchboard and appurtenant apparatus is located at Middle River Post Office, San Joaquin County, on Tract No. 2039. There are 66 miles of wire and 35 telephones belonging to the company. The investment in the telephone system is reported at \$6,606.04.

It appears that the Rindge Land and Navigation Company proposes in the near future to encumber and mortgage all of its properties to secure an indebtedness of \$1,800,000.00. It seems that the company does not believe it to be in the public interest to subject the telephone system to the lien of the encumbrance, and for that reason has made arrangements to separate its telephone business and properties from its other holdings. To this end it has made arrangements under date of June 22, 1929 to transfer such telephone properties to A. S. Cooper, its secretary. Mr. Cooper has agreed to organize a new corporation for the purpose of receiving and operating the telephone system and to apply to the Railroad Commission for an order authorizing the conveyance and transfer of said telephone system to such new corporation in consideration for the issuance by said new corporation of its capital stock in the aggregate amount of \$2,000.00, or such other amount as may be fixed by the Commission, such stock thereafter to be transferred to Rindge Land and Navigation Company.

Rindge Land and Navigation Company has not to date filed its schedules of rates in satisfactory form. While we will grant this application, the authority to make the transfer will not become effective until the company has submitted for filing, its rates, rules and regulations, in accordance with General Order No. 68.

O R D E R

Application having been made to the Railroad Commission for an order authorizing the transfer of properties, and the Railroad Commission being of the opinion that this is not a matter in which a public hearing is necessary, and that the application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED that Rindge Land and Navigation Company be, and it hereby is, authorized to transfer and convey, on or before September 1, 1929, to A. S. Cooper the telephone properties referred to in the foregoing opinion, subject to the terms and conditions of the agreement of June 22, 1929, filed with the application herein, as "Exhibit C", and subject to further conditions as follows;-

1. Within twenty days after the transfer of the properties herein authorized, Rindge Land and Navigation Company shall file with the Railroad Commission a certified copy of the deed of conveyance and a statement indicating the exact date upon which it relinquished possession of said properties.
2. The authority herein granted will become effective when Rindge Land and Navigation Company has submitted for filing with this Commission its rates, rules and regulations, in accordance with General Order No. 68.

DATED at San Francisco, California, this 27th day of June, 1929.

Wm. D. Lott
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Commissioners.