

LEM

Decision No. 9846

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
J. G. KIRKMAN, )  
of Exeter, California, for permis- )  
sion to sell; and the Application )  
of WILLIAM DeCARTERET of Placerville, ) Application No. 7539  
California, to buy the Exeter Telephone )  
Exchange located at Exeter, Tulare )  
County, California. )

BY THE COMMISSION:

ORIGINAL

FIRST SUPPLEMENTAL ORDER

By its order in Decision No. 9846 dated December 8, 1921 in Case No. 1667, the Commission ordered J. G. Kirkman, owner of the Exeter Telephone Exchange to set aside into a depreciation fund the sum of \$1,080.00 per annum.

By its order in Decision No. 10390 dated May 2, 1922 in Application No. 7539 the Commission authorized J. G. Kirkman to transfer his telephone properties to William B. DeCarteret. The transfer was authorized subject to the condition, among others, that all of the provisions in the order in Decision No. 9846 dated December 8, 1921 in Case No. 1667 shall continue in effect, or if not yet complied with, shall be executed by William B. DeCarteret within the time limit specified, unless good cause is shown for an extension of time.

On December 14th William B. DeCarteret filed a supplemental application in Application No. 7539 asking that the Commission set aside that part of the order in Decision No. 10390 requiring him

to set aside a cash depreciation fund.

He alleges that since he acquired the telephone properties in Exeter he has expended for the acquisition of telephone properties, or for the construction of additions and betterments to his telephone properties, a sum substantially in excess of the amount which, by the Commission's order, he was to set aside in a depreciation fund. Because of the necessity of acquiring additional properties he has found it impossible to make payments into the depreciation fund. He further testified at the hearing had in Application No. 17777 that he is at this time confronted with a reconstruction program involving an expenditure of from \$10,000.00 to \$20,000.00. In view of the expenditures which he has heretofore made for the acquisition of additional properties, and further, in view of the expenditures which he will have to incur during 1932, he asks the Commission to vacate condition two of its order in Decision No. 10390 insofar as that condition requires him to create a depreciation fund.

We have considered the request of applicant William B. DeCarteret, and are of the opinion that such request should be granted, therefore,

IT IS HEREBY ORDERED, that the provisions of the order in Decision No. 10390 dated May 2, 1922, and the provisions of the order in Decision No. 9846, dated December 8, 1921, insofar as they require the creation and maintenance of a cash depreciation fund, be, and the same are hereby, vacated and set aside.

IT IS HEREBY FURTHER ORDERED, that the order in Decision No. 10390 dated May 2, 1922, and the order in Decision No. 9846, dated

December 8, 1921, shall remain in full force and effect, except as modified by this First Supplemental Order.

DATED at San Francisco, California, this 21st day of December, 1931.

C. L. Sealey  
Leon Whiteley  
M. J. Carr  
M. B. Harris  
Fred C. Stewart  
Commissioners