

ORIGINAL

Decision No. 4161

DECISION NO. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the  
 SIERRA RAILWAY COMPANY OF CALIFORNIA,  
 for Authorization to Purchase the Pro-  
 perty of the Sierra Telegraph Company,  
 located in the Counties of Stanislaus,  
 Tuolumne and Calaveras, and of the  
 SIERRA TELEGRAPH COMPANY, for Authori-  
 zation to sell its Property located in  
 the Counties of Stanislaus, Tuolumne  
 and Calaveras.

APPLICATION NO. 2769.

BY THE COMMISSION.

## O P I N I O N.

The Sierra Telegraph Company applies for authority to sell to Sierra Railway Company of California the line of telegraph constructed along the main line and branches of the railroad of the latter company in Stanislaus, Tuolumne and Calaveras Counties. Both companies join in the application.

It appears from the application that the railway company has operated the telegraph line from the time of its construction under an agreement by which the railway company has paid all costs of operation, maintenance, renewals and taxes in return for the use of the line for railroad business, the gross revenue from commercial business having been turned over without deduction to the telegraph company as rental of the line; that the original cost of the property is not known but its reproduction cost is stated in detail to be \$4317.00 and the present sale price is stated to be \$2500.00. Sierra Railway Company of California states that

it expects to continue to operate the system and serve the public as it has done for a number of years and at the present schedule of rates now on file with the Commission until otherwise ordered.

The estimate of reproduction cost attached to the application as an exhibit has been checked by the Commission's engineers and found reasonable. It is probable that the property will be maintained if owned by the railway company in a condition equal to or better than its condition when owned by the telegraph company. There appears to be no objection to the transfer from the viewpoint of the public interest. A public hearing appears to be unnecessary.

#### O R D E R.

Sierra Railway Company of California and Sierra Telegraph Company having joined in application to the Commission for authority for the former to purchase and the latter to sell the line of telegraph extending along the main line and branches of the Sierra Railway of California located in Stanislaus, Tuolumne and Calaveras Counties, and it appearing that the application is not objectionable from the viewpoint of the public interest and that a public hearing is not necessary,

IT IS HEREBY ORDERED BY THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA that Sierra Telegraph Company be and it is hereby authorized to sell to Sierra Railway Company of California for the sum of \$2500.00 cash the line of telegraph constructed along the line of railway of said Sierra Railway Company of California including all of the poles, wires, instruments, equipment and property used in connection therewith. This authority is granted upon the following conditions:

(1) The authority hereby granted shall not be considered in any proceeding before the Railroad Commission or any court or other tribunal or public body as a finding of the value of said property for any purpose other than that of the present application.

(2) Sierra Railway Company of California shall continue in effect for service to the public the present schedule of rates on file with the Commission.

(3) The authority hereby granted shall extend only to such transfer as may be made within sixty days from date hereof.

(4) Within ten days after instrument of transfer is executed and delivered, Sierra Railway Company of California shall report to the Commission in writing the fact and date of the delivery of such instrument with a copy thereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1917.

Max Thelen  
H. B. Woodard  
W. J. Gordon  
Ernest A. Edgerton  
Frank B. Decker

Commissioners.