

ORIGINAL

Decision No. 4501

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA.

\* \* \* \*

In the Matter of the Application of )  
THE PACIFIC TELEPHONE AND TELEGRAPH )  
COMPANY, a corporation, for permis- )  
sion to sell and transfer to The )  
Tulare Home Telephone and Telegraph )  
Company, a corporation, all its )  
right, title and interest in and )  
to the telephone exchange property )  
located at Tulare, Tulare County, )  
California, and the telephone fran- )  
chises covering the operation of )  
said exchange, and of THE TULARA )  
HOME TELEPHONE AND TELEGRAPH COMPANY )  
to acquire said property and fran- )  
chises. )

APPLICATION

NO. 3042.

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BY THE COMMISSION:

O R D E R.

WHEREAS, the Railroad Commission by Decision Number 1387, dated March 30, 1914, (Vol. 4, Opinions and Orders of the Railroad Commission of California, pg. 586) authorized Sunset Telephone and Telegraph Company to assign and transfer its telephone properties, located at Tulare, to Tulare Home Telephone and Telegraph Company; and

WHEREAS, Tulare Home Telephone and Telegraph Company paid for the properties prior to the effective date of the Public Utilities Act; and

WHEREAS, through inadvertence the properties were never assigned and transferred to The Tulare Home and Telegraph Company, but have been assigned and transferred to The Pacific

Telephone and Telegraph Company; and

WHEREAS, The Pacific Telephone and Telegraph Company and Sunset Telephone and Telegraph Company now ask authority to transfer to The Tulare Home Telephone and Telegraph Company the telephone system and franchises in and adjacent to Tulare, Tulare County, in accordance with the form of an agreement of sale attached to the application in this proceeding and marked Exhibit "A", the particular property to be transferred being therein described as follows:

"All exchange poles, crossarms, cables and wires, all central office and subscribers' station equipment, drop wires, etc., within the exchange limits of Tulare, California; also all farmer line equipment outside of the exchange limits connected directly with the Tulare Exchange, but expressly excepting and reserving American Bell transmitters and receivers used in connection with said exchange, and all toll line poles, crossarms, wires, fixtures, etc., of The Pacific Telephone and Telegraph Company in the territory covered by the connecting agreement between The Pacific Telephone and Telegraph Company and The Tulare Home Telephone and Telegraph Company, dated February 25, 1909; provided, however, that the seventeen (17) poles mentioned in the Seventeenth Section thereof, shall, for the purpose of this transaction, be classed as exchange poles, but on the express condition that The Pacific Telephone and Telegraph Company shall have the perpetual right to the use, free of charge, for its toll wires, of the top cross-arm on said poles, or any replacements thereof;

also the following franchises specifically mentioned in Exhibit "A" of the agreement between The Pacific Telephone and Telegraph Company and The Tulare Home Telephone and Telegraph Company, dated February 25, 1909;

"Franchises granted to S.P. Sibley, his successors and assigns, by Ordinance No. CLXXVII of the Town of Tulare, California, passed on the 6th day of October, 1902, entitled "An Ordinance granting to S.P. Sibley, successors and assigns, the right to erect and maintain poles and stretch wires thereon along the streets and alleys of the streets of Tulare, with which to carry on the business of receiving and transmitting telephonic communications and messages and other purposes."

"Franchise granted to Sunset Telephone and Telegraph Company, its successors and assigns, by Ordinance No. CXLIV of the Town of Tulare, California, passed on the 6th day of October, 1896, entitled "An Ordinance granting to Sunset Telephone and Telegraph Company, of San Francisco, their successors and assigns, the right to place, erect and maintain poles, wires and other conductors for the transmission of electricity for telephone and telegraphic purposes, in and upon the streets, alleys and public highways in the City of Tulare, State of California; and to exercise the privilege of operating telephones within the said City."

and The Tulare Home Telephone and Telegraph Company having joined in the application, and the Commission being of the opinion that this is not a matter where a public hearing is necessary and that the application should be granted,

IT IS HEREBY ORDERED that The Pacific Telephone and Telegraph Company and Sunset Telephone and Telegraph Company be and the same are hereby granted authority to assign and transfer the properties, above described, to The Tulare Home Telephone and Telegraph Company. The authority hereby granted to assign and transfer the properties shall not be construed as a finding of value for rate fixing or any other purpose.

The authority hereby granted shall not become effective until The Tulare Home and Telegraph Company shall have filed with the Railroad Commission a stipulation duly authorized by its board of directors, declaring that The Tulare Home Telephone and Telegraph Company, its successors and assigns, will never claim before the Railroad Commission, or any court or other public body, a value for the rights and privileges to be acquired because of the purchase of the aforementioned franchises in excess of the actual cost of said franchises to the Sunset Telephone and Telegraph Company, said cost to be

set forth in the stipulation, and shall have received from the Railroad Commission a supplemental order declaring that such stipulation, in form satisfactory to the Railroad Commission, has been filed with the Railroad Commission.

The authority hereby granted shall apply only to such transfer of property as shall have taken place on or before November 30, 1917.

Dated at San Francisco, California, this 1st  
day of <sup>August</sup> ~~July~~, 1917.

J. D. Loveland  
Alex Gordon  
Edwin C. Edgerton  
Fran R. Dolan  
Commissioners.