

Decision No. 8173

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of JAMES McCULLOUGH for an order authorizing a sale of the Lukum and L. A. Wrigglesworth Telephone line, situated in El Dorado and Amador Counties.)
)
) Application No. 5243.
)
)

James McCullough in propria persona.

BY THE COMMISSION:

O P I N I O N

James McCullough applies for authority to transfer to L. E. Dean and Gertrude Dean, his wife, a telephone line in El Dorado and Amador Counties.

Mr. and Mrs. Dean join in executing the application.

A public hearing in the matter was held by Examiner Westover at Plymouth.

The line in question consists of about 35 miles of poles and wire extending between Plymouth and Omo Ranch via Lukum and Fairplay and known as the L. A. Wrigglesworth Telephone line. It was constructed and operated by Mr. Wrigglesworth and upon his death passed to his widow, who shortly before her death conveyed the line without authority to

applicant McCullough, who is not financially able to give the line the attention it deserves and wishes to convey it to a person better fitted for its conduct. The agreed consideration is \$200, payable in four equal installments, the first upon receiving the approval of the Commission, and \$50 each on January 1 and July 1, 1921 and January 1, 1922.

Mr. McCullough is administrator of the estate of Mrs. Wigglesworth, all creditors have been paid, final account of the administrator has been approved, and the assets ordered distributed. Under the circumstances, we treat the application as one joined in by him as administrator and will require that he execute the transfer in his capacity as administrator, as well as individually.

We are satisfied that the unauthorized transfer to applicant was made in ignorance of the law and without attempt to evade it and that Mr. Dean is ready, able and willing to satisfactorily operate the line and that the transfer is in the public interest.

O R D E R

Application having been filed by James McCullough to transfer the telephone property hereinafter described and a public hearing having been held upon the application;--

IT IS HEREBY ORDERED that James McCullough be and he is hereby authorized and empowered to transfer to Lonny E. Dean and Gertrude Dean, his wife, the telephone line in Amador and El Dorado Counties, connecting Plymouth, Aukum, Fairplay and Omo Ranch, together with the poles, wires,

instruments, and other properties used in connection therewith on the following conditions:

1. The authority herein contained to transfer property shall extend only to such instruments of transfer as may be hereafter executed within 18 months from date hereof and joined in by applicant as administrator of the estate of Mrs. Wrigglesworth.

2. Within 10 days after said transfer has been executed and delivered said Dean shall report in writing to the Commission the fact and date of such transfer with copy thereof, with statement of the amount paid and thereafter to be paid on account of said transfer.

3. Said report to the Commission shall be accompanied by copy of the transfer hereby authorized.

Dated at San Francisco, California, this
1st day of ~~September~~ ^{October}, 1920.

Edwin G. Ely
H. D. Loveland
Stanley R. Brown
H. D. Bourdage

Commissioners.