

Decision No. 27974 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of

LOUIS LEHN,

for an order permitting the Louis Lehn Telephone Company to discontinue service as a public utility and to dissolve.

ORIGINAL

Application No. 19883.

John A. Condit, for Applicant.
J. G. Marshall, for The Pacific Telephone and Telegraph Company.
C. W. Gandy, interested party.
C. E. Erickson, interested party.

BY THE COMMISSION:

O P I N I O N

In this application Louis Lehn requests an order permitting the Louis Lehn Telephone Company to discontinue telephone service as a public utility and to dissolve.

A public hearing in the application was held by Examiner Fry at East Windsor on April 26, 1935, at which time all interested parties were given full opportunity to be heard and the matter was submitted for decision.

The application relates that Louis Lehn is conducting a telephone service for the owners under the fictitious name of Louis Lehn Telephone Company, formerly known as the Russian River and Windsor Telephone Company. The utility furnishes service to 53 telephone stations over eight lines in and about the Town of Windsor in Sonoma County. The record shows that at the beginning of the utility's operations in 1903, funds for the project were contributed in varying amounts by the members of the non-profit

organization who constructed the lines at that time. When arrangements were made with the Pacific Company for switching service at its Windsor Exchange, applicant applied to the Railroad Commission for authority to increase its rates but later withdrew the application. Some of the original owners transferred their interests to others and new subscribers obtained service from the Louis Lehn Company. The operations and transactions of the Company were not recorded and apparently the transfers of ownership in the Company were verbal agreements. In order that Louis Lehn could regularly make the application herein for authority to abandon utility operations, the owners and subscribers of the service signed powers of attorney appointing Louis Lehn to represent them in the present proceeding. Copies of these documents are in evidence as Exhibit No. 1 filed at the hearing. In dissolving, the Company proposes that title to and ownership of all the property shall be vested in equal shares in the subscribers of the Company in proportion to the number of subscribers that now are or may become a part of such telephone system. A copy of the agreement setting forth this plan, to become effective if and when authority to abandon utility service is granted by the Commission, and signed by the various subscribers, was filed at the hearing as Exhibit No. 2.

When abandonment of utility service is accomplished and the Company dissolves, it is intended that each such group of subscribers as shall then be receiving service over a particular line shall own and maintain the telephones connected therewith and the line facilities to the point of connection with the facilities of the Pacific Company. In the same manner as at present, connections will be made from each such line to other subscriber lines of the Windsor Exchange and to the toll lines of the Pacific Company at Windsor. Each of the present eight lines

of the Louis Lehn Telephone Company will then be a farmer line receiving utility service from the Pacific Company under its Farmer Line Exchange Service Schedule effective in the Windsor exchange area. Exhibit "B" filed with the application sets forth for each group the names of the subscribers, their telephone numbers, the classes of their services, the name of the organization and the name of its secretary. The secretary will be responsible to the Pacific Company for the collection of the yearly farmer line exchange service charges of all members of his group. The Pacific Company will bill each farmer line subscriber for his toll charges.

Mr. G. P. Wallick, Division Manager of the Coast Division of The Pacific Telephone and Telegraph Company, testified relative to certain of applicant's subscribers' services as having the status of deviations from the regularly filed schedules of the Pacific Company. No farmer line service or suburban service is offered by the Pacific Company within the base rate area of the Windsor or other of its exchanges in California. However, as Mr. Wallick pointed out, eight of applicant's subscribers' services are located within the base rate area of the Windsor Exchange. Each of these deviation subscribers will be allowed to continue his deviation status until or unless he initiates some major change in his service such as a change of address. No supersedure to a deviation will be permitted.

The record shows that the Pacific Company has on file with the Railroad Commission various schedules for exchange service in its Windsor exchange area and that the boundary of this exchange area includes with other territory that in which are situated all of the subscribers of the Louis Lehn Telephone Company. There will be available after abandonment of applicant's

public utility operations, the usual grades, classes and types of Pacific Telephone Company service.

A careful consideration of all the evidence received in this proceeding leads to the conclusion that the interests of the public will be properly conserved by the granting of the authority requested.

O R D E R

Louis Lehn having requested an order of the Railroad Commission permitting the discontinuance of public utility telephone service by Louis Lehn Telephone Company, a public hearing having been held in the proceeding and the matter having been submitted for decision,

The Railroad Commission of the State of California hereby finds as a fact that Louis Lehn Telephone Company should abandon public utility telephone service under the circumstances related in the Opinion which precedes this Order, and basing its Order on this finding of fact and such other statements of fact and conclusions as are contained in the preceding Opinion,

IT IS HEREBY ORDERED that Louis Lehn Telephone Company shall discontinue its telephone operations and withdraw from public utility telephone service as of the first of the month next following the date of this Order.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 20th day of May, 1935.

Leon Arthur
M. H. Cunn
W. B. Hanna
W. H. C. [unclear]
Frank R. [unclear]

Commissioners.