

Decision No. 34971

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of LOLA J. BARNICKEL, WEAVERVILLE SUPPLY COMPANY, a corporation, NORA EDWARDS, and C. W. BREMER to sell; and of W. GILMAN SNYDER to purchase the so-called "WEAVERVILLE TELEPHONE SYSTEM," and the telephone business and franchises and all property appertaining to same.

Application No. 24483

Snyder and Synder, by William G. Snyder, for all applicants.

Edwin J. Regan for: Lola J. Barnickel, Applicant; and William Morris, F. L. Upham, W. O. Wallace, and Morris Collins, subscribers on the Douglas City line.

A. J. Brenneis, Forest Service Supervisor, and Albert Simpson, Forest Engineer, for United States Forest Service.

BY THE COMMISSION:

O P I N I O N

In this application Lola J. Barnickel, Weaverville Supply Company, Nora Edwards, and C. W. Bremer request authority to sell their telephone properties to W. Gilman Snyder who requests authority to purchase and operate the properties.

Lola J. Barnickel is the owner and operator of the Weaverville Telephone Exchange which serves the Weaverville city area and certain adjacent territory, all in Trinity County, California. Weaverville Supply Company, a corporation, owns a telephone line extending from Weaverville to Helena, and another extending from Weaverville to Indian Creek via Douglas City, in Trinity County. Lola J. Barnickel, Nora Edwards, and C. W. Bremer own the "Hayfork Telephone Line" extending from Weaverville to Hayfork, all in Trinity County, California.

A hearing in this proceeding was held before Examiner Fry in Weaverville on December 10, 1941.

Lola J. Barnickel desires to dispose of her interests in the telephone business because she intends to leave Weaverville. Nora Edwards and C. W. Bremer wish to be relieved of any responsibility for the conduct of their telephone business in Trinity County as it has not been remunerative, and they have other interests. W. Gilman Snyder is an electrical engineer graduate, with several years of practical experience in the telephone business. He desires to acquire the Weaverville properties and to improve them as he has done with the properties which he now operates in Amador County, California.

Copies of the proposed agreements of sale are on file in this proceeding as Exhibits "A," "B," and "C." Exhibit "D" lists the approximate number of telephones, miles of line, and other facilities as follows:

Weaverville Telephone Exchange:

111	Western Electric subscriber sets
1	Western Electric 1200 type switchboard
1.5	Miles pole line
500	Feet entrance cable
33	Miles aerial wire (on own poles and joint poles)

Weaverville Hayfork Telephone Line:

15	Western Electric subscriber sets
20	Miles aerial wire (one wire and ground return)

Weaverville Supply Company Telephone Lines:

22	Western Electric subscriber sets
20	Miles aerial wire (one wire and ground return)
18	Miles aerial wire (metallic)

The purchase price of the Weaverville Telephone Exchange property is seven thousand dollars (\$7,000) to be paid in cash in full within ten (10) days after the date of an Order of the Railroad Commission approving such sale.

The purchase price of the Weaverville Supply Company property is five hundred dollars (\$500) to be paid in cash in full within ten (10) days after the date of an Order of the Railroad Commission approving such sale.

The purchase price of the "Hayfork Telephone Line" property is two hundred dollars (\$200) to be paid in cash in full within ten (10) days after the date of an Order of the Railroad Commission approving such sale.

It is stated in the application that one hundred dollars (\$100) has been paid to Lola J. Barnickel, fifty dollars (\$50) has been paid to Weaverville

Supply Company and ten dollars (\$10) has been paid to Nora Edwards and C. W. Bremer, each. The actual cost of constructing these various properties is unknown.

On November 14, 1941, W. Gilman Snyder filed an amendment to the application, stating that if the transfer of the properties is authorized he would adopt the tariffs, schedules of rates, and rules and regulations of the Weaverville Telephone Exchange on file with the Railroad Commission. It was also proposed to serve the present service area of Weaverville-Hayfork Telephone Company on a toll station basis in accordance with a rate schedule attached to the supplemental application and marked Exhibit "A." It was further proposed to furnish service to certain subscriber-owned telephones and certain United States Forest Service subscribers, known as "co-operators" on a "toll service-station service" basis in accordance with a schedule attached to the supplemental application as Exhibit "B." Paragraph (7) of the "Conditions" in this schedule as proposed is unsatisfactory, and should be modified to read as follows:

"(7) Toll service-station service will not be furnished on any line, except a United States Forest Service line, unless each person having a telephone connected thereto subscribes for toll service-station service."

In Exhibit "C" attached to the amended petition is set forth a telegraph service schedule which is proposed to be made applicable between stations on the system.

At the hearing in this proceeding District Attorney Edwin J. Regan, on behalf of four subscribers to telephone service furnished by means of the "Douglas City Line," entered an objection to the service plans proposed in the amendment to the application. No other objections were made.

Mr. A. G. Brenneis, Forest Supervisor, strongly advocated the change in ownership and consolidation of the telephone systems in and about Weaverville, and the changes in service proposed in the amendment to the application. A large part of Trinity County has no telephone service other than that provided by the United States Forest Service. Calls from this area to outside points are switched at Weaverville. Investigations of the Commission's Staff have

shown that the present service arrangements in this territory should be materially improved. Mr. Snyder expects to do considerable deferred maintenance and reconstruction on the lines now operated by Weaverville Supply Company and the Weaverville-Hayfork Telephone Company before their conversion to toll lines. It is believed that all of this work can be completed within twelve months after the transfer of the properties. It will be necessary, therefore, that Mr. Snyder adopt the tariffs, schedules of rates, and rules and regulations of the Weaverville Supply Company and Weaverville-Hayfork Telephone Company on file with the Railroad Commission, and that they be applied until the changes in service over the lines now operated by these two utilities are completed. After the changes are made and no further service is furnished under those schedules, they may be discontinued in accordance with General Order No. 68.

At the hearing, Mr. Snyder requested that the Commission withhold its decision in this application as conditions had changed since war had been made on the United States, and it was possible that he might be needed in the armed forces of the nation in some technical branch in which he was particularly experienced. District Attorney Regan also asked for a delay until January 10, 1942 so that the "Douglas City Line" subscribers could decide upon their future action in regard to their objection to the granting of the application. Mr. Snyder on January 3, 1942 wrote to the Commission that he probably would proceed with the purchase of the Weaverville telephone properties "if the opposition is withdrawn." On January 14, 1942 District Attorney Regan wrote to the Commission that the individuals who had objected were withdrawing their objections.

The records now show that all objections of subscribers have been withdrawn, and that the purchaser and sellers are willing to proceed with the transfer of the properties.

We are of the opinion that the requests contained in this application and in its amendment should be granted with the modification herebefore stated and with such other modifications as the Commission shall approve. All present deviations from the filed rate schedules should be eliminated.

O R D E R

Lola J. Barnickel, Weaverville Supply Company, Nora Edwards, and C. W. Bremer having made application to sell their telephone properties, W. Gilman Snyder having made application to purchase said properties, a hearing having been held, and the matter being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby finds as a fact that the transfer of said properties as requested and the changes in service arrangements proposed, with modifications, are justified, therefore

IT IS HEREBY ORDERED that Lola J. Barnickel be, and she hereby is, authorized to sell and transfer on or before April 1, 1942, her telephone properties referred to in this application to W. Gilman Snyder, and that W. Gilman Snyder be, and he hereby is, authorized to acquire and operate said telephone properties, said sale and transfer to be in accordance with the terms of the agreement filed in this proceeding as Exhibit "A."

IT IS HEREBY FURTHER ORDERED that Weaverville Supply Company, a corporation, be, and it hereby is, authorized to sell and transfer on or before April 1, 1942, its telephone properties referred to in this application, to W. Gilman Snyder, and that W. Gilman Snyder be, and he hereby is, authorized to acquire and operate said properties, said sale and transfer to be in accordance with the terms of the agreement filed in this proceeding as Exhibit "B."

IT IS HEREBY FURTHER ORDERED that Nora Edwards and C. W. Bremer be, and they hereby are, authorized to sell and transfer on or before April 1, 1942, their telephone properties referred to in this application, to W. Gilman Snyder, and that W. Gilman Snyder be, and he hereby is, authorized to acquire and operate the said properties, said sale and transfer to be in accordance with the terms of the agreement filed in this proceeding as Exhibit "C."

IT IS HEREBY FURTHER ORDERED that the considerations paid by W. Gilman Snyder for the telephone properties above referred to shall not be urged as a measure of value of said telephone properties for any purpose other than the sale and transfer herein authorized.

IT IS HEREBY FURTHER ORDERED that W. Gilman Snyder:

- (1) Shall, within thirty (30) days after the sale and transfer of the telephone properties under the authority herein granted, file with the Railroad Commission a copy of each instrument of conveyance under which he acquires and holds title to said properties.
- (2) Shall file with the Railroad Commission not later than the tenth day immediately preceding the transfer of said telephone properties a notice of adoption of the tariffs, schedules of rates and charges, and rules and regulations now on file for Weaverville Telephone Exchange, Weaverville Supply Company, and the Weaverville-Hayfork Telephone Company, effective as of the date of transfer of said telephone properties.
- (3) May file with the Railroad Commission, in accordance with General Order No. 68, not later than the tenth day immediately preceding the transfer of said telephone properties, the Toll Service schedule set forth in Exhibit "A" attached to the amendment to this application, effective as of the date of transfer of said telephone properties.
- (4) May file with the Railroad Commission, in accordance with General Order No. 68, not later than the tenth day immediately preceding the transfer of said telephone properties, the Toll Service-Station Service schedule set forth in Exhibit "B" attached to the amendment to this Application, provided paragraph (7) of the Conditions has been modified as discussed in the preceding Opinion, and that the effective date shall be the same as that for (2) and (3) above.
- (5) May file with the Railroad Commission, in accordance with General Order No. 68, not later than the tenth day immediately preceding the transfer of said telephone properties, the Telegraph Service schedule set forth in Exhibit "C" attached to the amendment to this application, with the same effective date as (2), (3), and (4) above.

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 3rd day of February,

1942.

Justus J. Roseman
Ray H. Perry
W. H. Miller
Francis S. Harmon
Richard L. ...
 Commissioners.