

Decision No. 37891

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of JAY G. GROVER and EUNICE V. GROVER, doing business as Farmington Telephone Company, for permission to sell and withdraw from the telephone business, and JOHN F. NEHER and MAE NEHER to purchase and acquire certain telephone property located in and in the vicinity of Farmington, San Joaquin County, California; and to assume the obligation of rendering telephone service therein under the name of Farmington Telephone Company.

ORIGINAL

Application No. 26706

BY THE COMMISSION:

O P I N I O N

Jay G. Grover and Eunice V. Grover, doing business as Farmington Telephone Company, ask permission to sell all of their telephone properties located in and in the vicinity of Farmington, San Joaquin County, to John F. Neher and Mae Neher. Upon the sale of said properties, sellers ask permission to withdraw from the telephone business in the territory served by the Farmington Telephone Company and purchasers request authority to engage in the telephone business under the name of Farmington Telephone Company.

The application shows that at the time the Grovers purchased the Farmington properties in 1939, pursuant to this Commission's Decision No. 32306, dated September 12, 1939, Jay G. Grover was employed under a contract with the Sylvan Telephone Company as lineman, repair and general utility man, and is still so employed. The business of both the Sylvan and the Farmington companies has so increased that it is impossible for the Grovers to carry on the business of both companies, especially that of the Farmington company. It is for this reason that the Grovers have agreed to sell their Farmington properties to John F. Neher and Mae Neher. The purchasers have had twenty years or more

experience in connection with the construction, maintenance, operation, management and repair of telephone properties.

The Farmington Telephone Company properties include a 75-line Western Electric switchboard, central office equipment, telephone station equipment, entrance cable and terminals, aerial wire, pole lines with crossarms and miscellaneous equipment, and materials and supplies. These properties are more particularly described in Exhibit "B," Description of Property, attached to the application. In Exhibit "B" the cost of the properties is reported at \$4,079 and their present value is estimated at \$2,268 as of March 31, 1945.

The sellers report operating revenues for the period December 20, 1943 to December 20, 1944 in the amount of \$4,164.88 and for the period December 20, 1944 to March 20, 1945, operating revenue of \$676.11 (Exhibit "A").

The purchasers have agreed to pay for the Farmington Telephone Company properties \$3,750. The transfer will be made on a cash basis in accordance with the Agreement of Sale and Purchase on file in this application as Exhibit "C." A copy of the Bill of Sale is included as Exhibit "D."

The transfer of the properties does not involve any change in the telephone rates charged by the sellers.

The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

ORDER

The Commission has considered applicants' requests and is of the opinion that this is not a matter on which a public hearing is necessary, and that this application should be granted as herein provided, therefore

IT IS HEREBY ORDERED as follows:

1. Jay G. Grover and Eunice V. Grover may, on or before July 31, 1945, sell and transfer the public utility telephone properties being operated under the name of Farmington Telephone Company described and referred to in this application to John F. Neher and Mae Neher; and John F. Neher and Mae Neher may purchase and operate said telephone properties.

2. John F. Neher and Mae Neher shall file with the Railroad Commission, not later than thirty (30) days after the transfer of said telephone properties, a copy of the instrument of conveyance under which they acquire and hold title to said properties.

3. John F. Neher and Mae Neher shall, prior to the purchase of said properties, file with the Railroad Commission a notice that they will adopt, effective concurrently with the purchase of said properties, sellers' tariff schedules including rules and regulations on file with the Railroad Commission and then operative in the service territory of Farmington Telephone Company.

4. The authority herein granted is effective upon the date hereof.

Dated at San Francisco, California, this 15th
day of May, 1945.

Harold Rudman
Justice F. Capener
Richard Laska
Francis Elora
Wesley L. Luce
Commissioners