

Decision No. 30385

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of TALBOT KENDALL, Owner of an)
undivided one-half interest of)
RIPON TELEPHONE EXCHANGE, for an)
order authorizing the sale of his)
interest in said telephone property)
to SALLIE KENDALL.)

Application
No. 27796

O P I N I O N

Under the authority granted by Decision No. 37400, dated October 13, 1944, in Application No. 26388, J. T. Shipley and Anna Cole Shipley sold the Ripon Telephone Exchange properties situated in the Town of Ripon and vicinity, in San Joaquin County, to Talbot Kendall and Sallie Kendall, husband and wife. They paid for the properties \$38,000. Of this sum they paid \$18,000 in cash. The remainder is represented by a six percent \$20,000 note signed by Talbot Kendall. \$5,000 of the principal is payable on or before five years after date, and \$15,000 on or before ten years after date. The payment of the note is secured by a deed of trust and by a mortgage of chattels which are liens on the Ripon Telephone Exchange properties. No payments have been made on the note.

As of December 31, 1945, the investment in the Ripon Telephone Exchange properties is reported at \$36,384.24, and the accrued depreciation at \$18,425.71. For 1945 the operating revenues are reported at \$18,871.86, and the operating expenses including depreciation and taxes at \$18,285.64, leaving net operating income of \$586.22.

In this application, Talbot Kendall asks permission to transfer his undivided one-half interest in the Ripon Telephone Exchange properties to Sallie Kendall for \$9,000, evidenced by a non-interest bearing promissory note, payable ten years after date. She will also assume the payment of the \$20,000 note due the Shipleys.

Sallie Kendall is now engaged with Talbot Kendall in operating the Ripon Telephone Exchange properties and also the telephone properties owned by the Manteca Telephone Company. Applicants report that she is financially and otherwise in a position to carry on the operations of the Ripon Telephone Exchange properties. She will, until authorized to do otherwise, continue to operate such properties under the rates, rules and regulations now on file with the Commission.

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

ORDER

The Commission has considered applicants' request and is of the opinion that this is not a matter on which a hearing is necessary; that the money, property or labor to be procured or paid for through the issue of the \$9,000 note herein authorized is reasonably required by Sallie Kendall for the purpose herein stated; and that this application should be granted as herein provided, therefore,

IT IS HEREBY ORDERED as follows:

1. Talbot Kendall may, after the effective date hereof

and on or before October 31, 1946, sell to Sallie Kendall his undivided one-half interest in the Ripon Telephone Exchange properties, more particularly described in the grant deed on file in this application as Exhibit "D" and in the bill of sale filed in this application as Exhibit "A".

2. Sallie Kendall may, after the effective date hereof and on or before October 31, 1946, issue to Talbot Kendall in payment for said undivided one-half interest in said properties, her non-interest bearing note in the amount of \$9,000, payable ten years after date, and assume the payment of the indebtedness now owing to James T. Shipley and Anna Cole Shipley, to which reference is made in said Exhibit "A".

3. Sallie Kendall shall file with the Railroad Commission not later than thirty (30) days after the transfer of said undivided one-half interest in said properties, a notice that she adopts the tariff schedule including rules and regulations now on file with the Commission, operative in the service territory of Ripon Telephone Exchange.

4. The authority herein granted will become effective when Sallie Kendall has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars.

5. Within thirty (30) days after the transfer of the undivided one-half interest in said properties to Sallie Kendall, she shall file with the Railroad Commission a copy of the note issued under the authority herein granted.

Dated at San Francisco, California, this 10th day
of September, 1946.

Harold P. Hub
Justus J. Greener
Francis J. ...
Jack ...
A. Z. ...
Commissioners

