

ORIGINAL

Decision No. 49358

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 Jesse E. Bigelow, individual, and )  
 as executor of the estate of Leota )  
 Bigelow, deceased, Else B. Bigelow, )  
 Herbert S. Bigelow, Robert F. Bigelow, )  
 Elizabeth Luanne Silkwood and Robert )  
 L. Silkwood, for an order authorizing )  
 (a) the assignment to Jesse E. Bigelow )  
 of all rights, title and interest, in )  
 and to the Bigelow Telephone Company )  
 of Herbert S. Bigelow; (b) the distri- )  
 bution of the Bigelow Telephone )  
 Company properties under the will of )  
 Leota Bigelow to Jesse E. Bigelow; )  
 (c) the transfer of said Bigelow )  
 Telephone property from Jesse E. )  
 Bigelow and Else B. Bigelow to a )  
 co-partnership composed of Jesse E. )  
 Bigelow, Else B. Bigelow, Robert F. )  
 Bigelow, Elizabeth Luanne Silkwood )  
 and Robert L. Silkwood. )

Application  
No. 34840

O P I N I O N

This is an application for an order authorizing transfers of the properties comprising the telephone system known as the Bigelow Telephone Company.

The subject telephone system supplies service to approximately 240 company-owned stations located in portions of Madera and Fresno counties, with the principal place of business being at O'Neals, Madera County. The application shows that the system formerly was owned and operated by Leota Bigelow, that said Leota Bigelow died on June 16, 1950, and that thereafter, pursuant to an order of the Superior Court in and for the County of Madera the estate of Leota Bigelow was distributed to Jesse E. Bigelow, her son, and that at or prior to that time an assignment was made by Herbert

S. Bigelow, another son of Leota Bigelow, of all his right, title and interest in the estate to said Jesse E. Bigelow. The purpose and effect of the distribution and the assignment was to make Jesse E. Bigelow the sole owner of the telephone system.

The application further shows that Jesse E. Bigelow, upon thus acquiring the telephone system on January 2, 1952, executed a document, which was designated as Gift of Personal Property, which purported to transfer certain proportionate interests in the system to Robert F. Bigelow, Elizabeth Luanne Silkwood and her husband, Robert L. Silkwood, which individuals thereupon entered into a partnership agreement with Jesse E. Bigelow and Else B. Bigelow, his wife, for the continued operation of the telephone properties and business.

Applicants did not obtain the Commission's approval of these several transactions although it is clear that their failure to do so was through inadvertence and with no intent to evade the provisions of the Public Utilities Code. When the matter of the requirement for such approval was called to their attention they filed this application for the appropriate authorizations by the Commission.

Upon reviewing this matter we are of the opinion that the transfer has not been and will not be adverse to the public interest. We are further of the opinion and hereby find that Jesse E. Bigelow, Else B. Bigelow, Robert F. Bigelow, Elizabeth Luanne Silkwood and Robert L. Silkwood, as a partnership, are engaged in operating a public utility telephone service and that public convenience and necessity require that they continue to so operate the telephone system.

Accordingly, an order will be entered granting the application.

O R D E R

The Commission having considered the above entitled matter, and being of the opinion that a public hearing is not necessary and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Jesse E. Bigelow, as executor of the estate of Leota Bigelow, is authorized to distribute the telephone properties in said estate pursuant to the terms of the Order Settling Final Account and for Distribution by the Superior Court in and for the County of Madera, dated October 24, 1952, in the Matter of the Estate of Leota Bigelow, deceased.

2. Jesse E. Bigelow is authorized to convey by gift a portion of said telephone properties to Robert F. Bigelow, Elizabeth Luanne Silkwood and Robert L. Silkwood.

3. Herbert S. Bigelow is authorized to assign to Jesse E. Bigelow all his right, title and interest in the telephone properties.

4. Jesse E. Bigelow, Else B. Bigelow, Robert F. Bigelow, Elizabeth Luanne Silkwood and Robert L. Silkwood, as partners, shall continue to operate the Bigelow Telephone Company.

5. The rates, rules and regulations governing service of the Bigelow Telephone Company now on file with the Commission shall be refiled within 30 days after the date of transfer under the names of Jesse E. Bigelow, Else B. Bigelow, Robert F. Bigelow, Elizabeth Luanne Silkwood and Robert L. Silkwood, in accordance with the

procedure prescribed by General Order No. 96, or, in lieu of such re-filing, Jesse E. Bigelow, Else B. Bigelow, Robert F. Bigelow, Elizabeth Luanne Silkwood and Robert L. Silkwood may file a notice of adoption of said presently filed rates, rules and regulations. No increase in the present rates shall be made unless authorized by the Commission.

6. Within 60 days after the effective date of this order, Jesse E. Bigelow shall advise the Commission in writing of the action taken under the authorization herein granted.

7. The authority herein granted will become effective 20 days after the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of November, 1953.

*A. Z. [Signature]*  
President

*Justus J. Calines*

*Kenneth Pottent*  
*John E. [Signature]*

*Gene [Signature]*  
Commissioners