

Decision No. 79709**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Loren E. Bryan and Rex Bryan, doing
 business as William Butts Telephone
 Company, for authority to transfer
 ownership from a partnership to a
 proprietorship.

Application No. 53087
 (Filed January 6, 1972)

O P I N I O N

By this joint application, Loren E. Bryan and Rex Bryan, doing business as William Butts Telephone Company, seek authority to transfer ownership from a partnership owned by Loren E. Bryan and Rex Bryan to a proprietorship owned by Rex Bryan.

According to the application, the transfer of ownership will not affect the management or operation of the telephone company as it has been managed by Rex Bryan for approximately ten years.

Loren E. Bryan and Rex Bryan own as partners 100 acres of land valued at approximately \$57,500. Rex Bryan's interest in this land will be deeded to Loren E. Bryan in payment for the latter's interest in the telephone utility.

The purpose of the transfer of ownership from a partnership to a proprietorship is to enable each of the partners to protect his individual heirs from unnecessary future litigation.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The action taken herein is for the purpose of this proceeding only and is not to be construed as indicative of amounts to be included in proceedings for the determination of just and reasonable rates.

Moreover, nothing in this decision shall be construed as authorizing Rex Bryan to issue or to assume any evidence of indebtedness or to encumber any public utility property, or indicating that the Commission would grant any of such authority if requested.

The authority herein granted is subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of the right to be a corporation, or the capitalization of any franchise or permit, or the right to own, operate, or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right.

O R D E R

IT IS ORDERED that:

1. Loren E. Bryan and Rex Bryan, doing business as William Butts Telephone Company, on or after the effective date hereof and on or before December 31, 1972, may transfer ownership thereof from a partnership owned by Loren E. Bryan and Rex Bryan to a proprietorship owned by Rex Bryan.
2. As a condition of the authority herein granted, Rex Bryan is hereby directed to continue his public utility responsibilities with respect to the area served by his telephone system.
3. If the authority herein granted is exercised, Rex Bryan shall, within thirty days thereafter, notify the Commission, in writing, of the date of such completion of the change herein authorized.

4. Upon compliance with the above ordering paragraphs, Loren E. Bryan is hereby relieved of his public utility responsibilities with respect to the property being transferred coincident with the full assumption of such responsibilities by Rex Bryan.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of FEBRUARY, 1972.

William J. ... Chairman
...
...
... Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.