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ORIGINAL

Decision No. 82803

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARIE E. TADLOCK,
dba TADLOCK'S RADIO DISPATCH for
an ex parte order of authoriza-
tion to transfer permit to
Conservator of Licensee.

Application No. 54479
(Filed December 3, 1973)

O P I N I O N

By this application, Terry Dorothy Garcia, Conservator of the person and estate of Marie E. Tadlock, on behalf of Marie E. Tadlock, dba Tadlock's Radio Dispatch, requests authorization to transfer control of the business to herself during the period of her mother's illness and the existence of the conservatorship.

The business performed by Tadlock's is that of a radio-telephone utility serving principally Yolo and Colusa Counties, as well as portions of the surrounding counties in California.

Due to a serious illness, Marie E. Tadlock has become unable to operate the licensed business alone and, at her request, a conservatorship of her person and estate was created in the Superior Court of Yolo County, California, and Terry Dorothy Garcia, daughter of Marie E. Tadlock, was issued Letters of Conservatorship on May 17, 1973. A certified copy of the Order Appointing Conservator and Granting Additional Powers, and the Letters of Conservatorship are attached to the application as Exhibits A and B, respectively.

The application states that the station will be operated in all respects as in the past.

Every conservator of the estate or of the person and the estate of a conservatee shall have the powers granted to a guardian of the estate or of the person and estate of an incompetent (Probate Code Section 1852). The rights and duties of a guardian of an incompetent are on the whole the same as the general guardian of a minor (27 Cal Jur 2d, Insane and Incompetent Persons, Section 74). A guardian is entitled to the exclusive possession and management of the ward's estate (Probate Code Section 1500, 24 Cal Jur 2d, Guardian and Ward, Sections 77 and 78). We conclude that, based upon these principals of law, a conservator "controls" a public utility within the meaning of Section 854 of the Public Utilities Code, which states:

"854. No person or corporation, whether or not organized under the laws of this State, shall, after the effective date of this section, acquire or control either directly or indirectly any public utility organized and doing business in this State without first securing authorization to do so from the commission. Any such acquisition or control without such prior authorization shall be void and of no effect.
..."

Findings

1. Terry Dorothy Garcia is the conservator of the person and estate of Marie E. Tadlock. Part of the estate is Tadlock's Radio Dispatch, a radio telephone utility.
2. It is in the public interest that Terry Dorothy Garcia, as conservator of the person and estate of Marie E. Tadlock, be authorized to control Tadlock's Radio Dispatch during the period of her conservatorship.
3. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

O R D E R

IT IS ORDERED that Terry Dorothy Garcia, conservator of the person and estate of Marie E. Tadlock, is authorized to control the business of Marie E. Tadlock, dba Tadlock's Radio Dispatch, during the existence of her conservatorship.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of APRIL 1974, 1974.

William J. Sturgeon, Jr. President
[Signature]
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.