

Decision No. 17671.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
W. A. HENSLEY
for order authorizing sale of Heber
Water Works to GEORGE DYER THOMPSON.

Application No. 13229.

W. A. Hensley, in propria persona.
George Dyer Thompson, in propria persona.

BY THE COMMISSION:

O P I N I O N

In the above entitled application W. A. Hensley, operating under the fictitious name of Heber Water Works and supplying domestic water in and in the vicinity of Heber, Imperial County, asks for authority to sell the water system to George Dyer Thompson, who joins in the application.

A public hearing in this matter was held before Examiner Williams in Heber, after all interested parties had been duly notified and given an opportunity to be present and be heard.

The evidence shows that W. A. Hensley is not physically able to carry on the business of supplying water to his consumers and desires to transfer his utility property for a consideration of \$3,500. Mr. Thompson has agreed to pay \$1,500 in cash, assume \$250 indebtedness against the water plant, and also assume a mortgage for \$1,750 in favor of A. N. Loring, which Thompson has agreed to pay at the rate of \$100 per month with interest at ten

per cent. This mortgage covers the property involved in the transfer of the water system to Mr. Thompson and in addition thereto sixty (60) acres of land owned by Mr. Hensley and not included in this transfer.

It appears that on June 26, 1923, W. A. Hensley executed a mortgage for \$1,750 in favor of one A. K. Loring, due two years after date, which is still unpaid. He testified that approximately \$800 of this amount was used for improvements to the water system and the balance he used for living expenses. The Commission did not authorize this mortgage or its renewal. It is now the desire of applicants to issue a new mortgage, as outlined above, and a request was made at the hearing to amend the application asking the Commission to approve the new mortgage.

The water supply is obtained from the irrigation canal of the Imperial Valley Irrigation District and conveyed into large settling basins. As the mud and silt settles the clear water is drawn off into a sump where it is treated and pumped into a high storage tank from which it is distributed by gravity to the consumers.

The evidence indicates that the purchaser is in a position to assume active control and management of this utility and that the interests of the consumers will be served better through this proposed sale. No protests were entered against this transfer and it therefore appears that the application should be granted.

O R D E R

W. A. Hensley, operating under the fictitious name and style of Heber Water Works, having made application to transfer his water system to George Dyer Thompson, who joins in the application, a public hearing having been held thereon, the matter

having been submitted and the Commission being now fully informed thereon,

IT IS HEREBY ORDERED that W. A. Hensley be and he is hereby authorized to transfer to George Dyer Thompson the properties of the Eber Water Works as more particularly described on sheet number two attached to the petition filed in this proceeding.

IT IS HEREBY FURTHER ORDERED that George Dyer Thompson be and he is hereby authorized to execute a mortgage in the sum of \$1,750 in substantially the same form as the copy of mortgage filed in this proceeding.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following conditions:

1. The authority herein granted to execute a mortgage is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.
2. The mortgage herein authorized shall replace a former mortgage standing against the water system to which reference is made in the foregoing opinion.
3. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is twenty-five dollars (\$25.00).
4. The authority herein granted shall apply only to such transfer as shall have been made on or before February 1st, 1927, and a certified copy of the instrument of conveyance shall be filed with this Commission by said W. A. Hensley within thirty (30) days from the date on which it is executed.
5. Within ten (10) days from the date on which W. A. Hensley actually relinquishes control and possession of the property herein authorized to be sold, he shall file with this Commission a certified statement indicating the date upon which such control and possession was relinquished.

6. The consideration given for the transfer of this property shall not be urged before this Commission or any other public body as a finding of value of the property for rate fixing or for any purpose other than the transfer herein authorized.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29th day of November, 1926.

H. H. Brandige
Chauncy
Guariento
Leon Whitell
Thos. Koutter
Commissioners.

Levy 4.25⁰⁰
RECEIVED
STATE OF CALIFORNIA
A. M. [Signature]
Folio # 22501