

Decision No. 18560

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

FRED A. BRALEY and E. T. GRUWELL)

for permission to sell the "Oak
Park Water Company" to Guy B.
Humphrey.)

Application No. 13649.

BY THE COMMISSION:

O P I N I O N

Fred A. Braley and E. T. Gruwell, doing business under the fictitious firm name and style of Oak Park Water Company, owning and operating a public utility water system supplying consumers residing in Tract No. 7747 and a portion of Lot 18 of Tract No. 901, in Los Angeles County, ask permission to sell the same to Guy B. Humphrey pursuant to the terms and conditions set forth in the agreement dated January 3, 1927, and filed in this proceeding.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after all interested parties had been duly notified and given an opportunity to appear and be heard. At the hearing Guy B. Humphrey, the proposed purchaser, joined in the application.

The evidence shows that on or about January 3, 1927, Fred A. Braley and E. T. Gruwell entered into a written agreement with Guy B. Humphrey to sell to him the water system known as the

Oak Park Water Company for the sum of \$10,000.00. The purchaser has agreed to pay for the same by the issue of four notes; one for \$3,103.72; one for \$4,896.28; one for \$1,000.00 and one for \$1,000.00. The notes are payable in monthly installments, the final payment being more than one year after date. The payment of the notes is to be secured by the execution of deeds of trust, copies of which have been filed with the Commission. The deeds of trust are in satisfactory form.

The cost of the water plant as of January 1, 1927, is reported at \$13,440.00. Applicant, Guy B. Humphrey, testified that he has been operating the plant since January; that it has 150 consumers; that the income is approximately \$280.00 per month; that the expense consists of a payment of \$50.00 per month to a man who operates the plant and approximately \$50.00 per month for repairs, power and other items. He testified further that he has a one-third interest in a plumbing business at Oceanside, also an interest in an apartment building, that his net worth at the time of the hearing was about \$10,000.00, and that he possessed the financial ability to maintain the plant and make his payments on the trust deeds, independent of the income from the water system. He testified that he had had experience, a number of years ago, in installing and operating water systems. He proposes to employ a man to operate the system under his personal supervision.

No one appeared to protest the granting of this application and it is apparent that the interests of the consumers will be best served by the authorization of the transfer.

ORDER

Fred A. Braley and E. T. Grawell, doing business under the fictitious firm name and style of Oak Park Water Company, having made application to the Railroad Commission for authority to transfer their public utility water system to Guy B. Humphrey, who joins in the application, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the premises,

IT IS HEREBY ORDERED that Fred A. Braley and E. T. Grawell be, and they are hereby, authorized to transfer to Guy B. Humphrey their properties, rights and interests in the Oak Park Water Company as more particularly described in the agreement dated January 3, 1927, and filed in this proceeding; said transfer to be made pursuant to the terms and conditions of said agreement.

IT IS HEREBY FURTHER ORDERED that said Guy B. Humphrey may purchase said water system, issue in payment therefor his notes in the amount of not exceeding \$10,000.00 and execute deeds of trust substantially in the same forms as the deeds of trust filed in this proceeding, provided, that the authority herein granted to execute said deeds of trust is for the purpose of this proceeding only, and is granted insofar as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said deeds of trust as to such other legal requirements to which said deeds of trust may be subject.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall be subject to the following conditions:-

1. The authority herein granted shall apply only

to such transfer as shall have been made on or before August 1, 1927, and a certified copy of the instrument of conveyance shall be filed with this Commission by Fred A. Braley and E. T. Grawell within thirty (30) days from the date of this order.

2. Within twenty (20) days from the date of this order Fred A. Braley and E. T. Grawell shall notify in writing this Commission the date on which they actually relinquish control and possession of the property herein authorized to be transferred.
3. 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.
4. The authority herein granted to transfer the properties, issue the notes and execute the deeds of trust will become effective when Guy B. Humphrey has paid to the Commission the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is Twenty-five (\$25.00) Dollars.

DATED at San Francisco, California, this

28th

day of June, 1927.

Fee \$25.00

RAILROAD COMMISSION
STATE OF CALIFORNIA

JUN 5 1927

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Fee # 24112

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4. Commissioners.