

Decision No. 20027

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
HUGH WARRING, E.C. WARRING, F.S.  
WARRING, and L.J. WARRING, the owners  
of capital stock heretofore issued by  
Piru Water Company, a dissolved corpora-  
tion, for an order authorizing peti-  
tioners to maintain an action for par-  
tition and sale of the assets of said  
dissolved corporation.

**ORIGINAL**

Application No. 15439.

Clarke & Bowker, by Robert M. Clarke,  
For Applicants.

Farrand & Slosson, by Leonard B. Slosson,  
For F.S. Chapman, D. Felsenthal, Samuel  
Edwards Associates, a corporation, and  
C.S. Johnson, Protestants.

BY THE COMMISSION:

O P I N I O N

In the above entitled application, Hugh Warring, E.C. Warring, F.S. Warring and L.J. Warring, the owners of capital stock heretofore issued by Piru Water Company, a dissolved corporation, asks for authority to commence and maintain an action in the Superior Court of the State of California, in and for the County of Ventura, in partition for the purpose, among other things, of selling and disposing of all real and personal property now being devoted to public use, operated as a public utility under the name of Piru Water Company. The Commission is asked to fix and determine the amount to be realized from such sale.

A public hearing in this matter was held before Ex-

aminer Williams at Los Angeles.

At the hearing, objections to the application were filed on behalf of F.S. Chapman, D. Felsenthal, Samuel Edwards Associates, a corporation, and C.S. Johnson.

It appears that in 1905 the Piru Water Company forfeited its charter by due process of law, upon its failure to pay its state license tax. There seems to be a difference of opinion between stockholders as to the title of the utility property and, in order to bring the matter to a definite conclusion, applicants herein ask that they be authorized to maintain in the Superior Court of the State of California, in and for the County of Ventura, a partition proceeding which will necessitate the sale of the public utility property to a person, firm or corporation.

A careful consideration of the evidence introduced at the hearing and other pertinent evidence submitted in connection with Application No. 9066 indicate that the interests of the consumers and objectors herein will in no way be impaired if this application be granted. However, the Commission does not consider it necessary or advisable at this time to set any value upon the property to be sold. It is sufficient that applicants will not urge before this Commission or any other public body the price at which said property shall be sold as a finding of value for rate-fixing purposes.

O R D E R

Eugh Warring, E.C. Warring, F.S. Warring and L.J. Warring having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that the application of petitioners be granted and that Hugh Warring, E.C. Warring, F.S. Warring and L.J. Warring be and they are hereby authorized and empowered to commence and maintain in the Superior Court of the State of California, in and for the County of Ventura, an action in partition against all persons, firms or corporations holding, of record or otherwise, any interest, right or title in and to said property, and to secure an order or judgment of said court authorizing a sale of said property in said action, and for the purpose of exercising the jurisdiction of this Commission pursuant to Section 51 of the Public Utilities Act,

IT IS HEREBY FURTHER ORDERED that, pursuant to said proposed order or judgment of said court authorizing a sale of said property, the same may be sold as provided therein. The price at which said property shall be sold shall not be deemed to represent the value of said properties in any proceeding before this Commission.

This Order shall in no wise be construed as authorizing the discontinuance of the public utility service now being rendered by the public utility operating under the name of Piru Water Company, and the purchaser or purchasers of said property under the proposed partition proceeding shall be obligated to continue said public utility service in all respects as the same is now conducted.

Within thirty (30) days after the properties are sold pursuant to the judgment of the Superior Court in the proposed partition proceedings, the purchasers of said property shall

refile with this Commission a complete set of rules, regulations and rates covering service to consumers, in all respects conforming to those rules, regulations and rates now in effect.

For all other purposes, the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of April, 1929.

David Louitt

C. Seamy

Emmuel C. ...

Leon White

M. ...

Commissioners.