

LEM

Decision No. 21598.

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
MARK E. LINCOLN )  
to sell certain water works system ) Application No. 15877  
and properties in Oak Park to G.B. )  
Humphrey. )

Mark E. Lincoln, in propria persona,  
G. B. Humphrey, in propria persona.

BY THE COMMISSION:

O P I N I O N

In this proceeding Mark E. Lincoln asks permission to sell his public utility water system and properties, located in Subdivision No. 1 of Oak Park, Los Angeles County, to G. B. Humphrey, who is now operating a water system situate in that vicinity and known as Oak Park Water Company.

It is of record that Mark E. Lincoln is exchanging his public utility water system and properties for residential property situate at Oceanside. For the purpose of this exchange his public utility properties have been valued at \$4,000.00. It is of record that the original cost of the properties was about \$6,500.00. The properties consist of a lot, a well 400 feet deep and a transmission and distribution system. There are at present 95 services connected with the distribution system, of which 82 are active. The purchaser intends to connect the system, which he asks permission to purchase from Mark E. Lincoln, with the water system which he now owns. It appears also that he intends to install meters and re-condition the entire

system in general, and charge the meter rates which he has on file with the Commission. It does not appear from the record in this proceeding that the consumers served by the public utility water system of Mark E. Lincoln had notice of G. B. Humphrey's proposal to charge them his meter rates. We believe that if he acquires the water properties and system of Mark E. Lincoln that he should continue, until a change is authorized by the Commission, to charge the consumers served by that water system the same rates which Mark E. Lincoln has been charging. We have no objection to his filing an application asking permission to charge such consumers rates different from those now being charged them. We believe, however, that before any meter rates, or any increase in flat rates, is placed in effect, the consumers served by the water system of Mark E. Lincoln should be given notice thereof, so that they may, if they desire, be heard at a public hearing in regard to the rates which it is proposed to charge them.

#### O R D E R

Mark E. Lincoln, having asked permission to sell his public utility water system to G.B.Humphrey, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that this application should be granted insofar as the transfer of the public utility water system and properties are concerned, and that the request of G. B. Humphrey to charge the consumers now served by Mark E. Humphrey the meter rates which he has on file with this Commission, should be denied without prejudice, therefore,

IT IS HEREBY ORDERED that Mark E. Lincoln be, and he is hereby, authorized to sell and transfer, on or before November 15, 1929, to G. B. Humphrey, his public utility water system and properties supplying water to the territory known as Oak Park Subdivision No. 1, Los Angeles County, and more particularly described in this application.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following terms and conditions;-

1. Within thirty days after the transfer of the properties herein authorized, G. B. Humphrey shall file with the Commission a certified copy of the deed or other instrument of conveyance under which he acquires and holds title to the aforesaid properties, and shall also file with the Commission a statement showing the date on which he acquired and took possession of said properties.

2. The consideration being paid by G.B.Humphrey for the aforesaid properties shall not be urged before this Commission as a measure of the value of said properties for any purpose other than the transfer herein authorized.

3. The authority herein granted will become effective ten days after the date hereof.

IT IS HEREBY FURTHER ORDERED that this application, insofar as it involves a request to charge the consumers now served by Mark E. Lincoln the meter rates which G. B. Humphrey has on file, be, and the same is hereby, denied without prejudice.

DATED at San Francisco, California, this 25th day of September, 1929.

Thomas D. Lewis

Ernest A. Smith

W. J. Carr

Commissioners.