

Decision No. 24203.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LOYOLA WATER CO.
(sometimes known as Loyola Water Com-
pany), for permission to sell and con-
vey to Fred C. Ehman and of Fred C.
Ehman for permission to purchase the
properties, business and franchises
of Loyola Water Co. and of Loyola
Water Co. for permission to discon-
tinue public service.

ORIGINAL

Application No. 17761

McCutchen, Olney, Mannon & Greene,
for Fred C. Ehman.

BY THE COMMISSION:

O P I N I O N

Loyola Water Co. asks permission to sell, transfer and convey to Fred C. Ehman the properties described in Exhibit No. 2 filed in this proceeding and upon the transfer of such properties, discontinue its public utility service. Fred C. Ehman asks permission to acquire and operate the aforesaid properties.

The deed filed in this proceeding as Exhibit No. 2 specifically describes the land and easements which the Loyola Water Co. intends to transfer to Fred C. Ehman. In addition to such description it contains the following:

"All that certain water system located in said County of Santa Clara, owned by the party of the first part, (Loyola Water Co.) and all property of every description and character connected or used or useful therewith, including all real property, water, water wells, water rights, reservoirs, reservoir sites, pipes, pipe lines, pipe connections, conduits, aqueducts, hydrants, pumps, pumping plants, engines, boilers, electric motors, machinery, tools, rights, privileges, contracts, rights

of way, water rights, franchises, easements and good will, it being the intention hereto to grant and transfer to the party of the second part(Fred C. Ehman) all property of such kind and character now owned by the party of the first part, or in or to which it may have any right, title, interest, claim or demand whatsoever, whether specifically herein mentioned or not, free and clear of all liens and encumbrances, except the lien taxes not delinquent."

Loyola Water Co. in its 1930 annual report shows operating revenues of \$4,075.71. In the same report it shows that it has installed 85 meters and that it is serving a population of about 340.

Loyola Water Co., according to the record in Application No. 17005, granted to Fred C. Ehman an option to purchase its public utility water properties for \$5,500.00. In this proceeding the purchaser does not ask permission to issue any notes nor execute any mortgages to secure the payment of any notes which he may issue in connection with the purchase of the properties. It is the intention of the purchaser to develop these properties and if conditions warrant, to transfer the same to a corporation which may acquire other properties in the same general vicinity.

ORDER

Loyola Water Co. and Fred C. Ehman having asked the Railroad Commission to enter its order authorizing the transactions indicated in the first paragraph of the foregoing opinion, the Commission having considered the request of applicants and being of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED as follows:

1. Loyola Water Co. may, on or before December 31, 1931, sell, transfer and convey to Fred C. Ehman the properties described in Exhibit No. 2 filed in

this proceeding, which properties Fred C. Ehman is hereby authorized to acquire and operate.

2. Upon the acquisition of the aforesaid properties by Fred C. Ehman, Loyola Water Co. may discontinue its public utility water service.
3. Within thirty(30) days after acquiring the aforesaid properties, Fred C. Ehman shall file with the Railroad Commission a certified copy of the deed under which he acquired and holds title to said properties, and also a statement showing the date upon which he acquired said properties and the date upon which he took possession of the same.
4. The consideration which Fred C. Ehman pays for the properties of Loyola Water Co. shall not be urged before this Commission or any other public body or court as determining the value of said properties for any purpose other than the sale, transfer and conveyance herein authorized.

DATED at San Francisco, California, this 9th day of November, 1931.

Cl. Seavey
Leon Whitely
M. J. Cur
W. B. Harris
Fred G. Stewart
Commissioners.