

Decision No. 27859 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of H. VINCENT KEELING, Trustee of the Estate of Clear Lake Beach Co., a Corporation bankrupt, operating under the fictitious firm name and style of LUCERNE WATER, LIGHT & POWER COMPANY for order authorizing transfer of Certificate of Public Convenience and Necessity.

Application No. 19889.

BY THE COMMISSION:

OPINION AND ORDER

Applicant herein, H. Vincent Keeling, Trustee of the Estate of Clear Lake Beach Co., a corporation bankrupt operating under the fictitious firm name and style of Lucerne Water, Light and Power Company, seeks authority to sell and transfer to J. L. Annette the certificate of public convenience and necessity previously acquired by Clear Lake Beach Co. from Verne L. Olson, which certificate constitutes the only asset possessed by applicant in connection with said utility and the operation thereof.

This application is prompted by applicant's desire in liquidating the affairs of the bankrupt corporation to relieve himself of the operation of the utility business involved.

The history of this utility may be thus summarized: On August 11, 1926, by its Decision No. 17201 dated August 11, 1926, granted Verne L. Olson (Lucerne Water, Light and Power Company) a certificate of public convenience and necessity; on August 14, 1933, by its Decision No. 26251, Verne L. Olson (Lucerne Water, Light and Power Company) was authorized to transfer this certificate to Clear Lake Beach Company and that company authorized to continue to operate the utility.

The distribution and other physical facilities essential

to the conduct of these utility operations were at all times owned by Clear Lake Beach Company and leased to Verne L. Olson (Lucerne Water, Light and Power Company) under an agreement that expired on or about the time the transfer was authorized. They were subsequently transferred to the Lucerne Country Club, which is not in bankruptcy, and that club now proposes to transfer them to J. L. Annette. Evidences of his ownership of these facilities will be furnished us by him as soon as it is a matter of record.

It is the Commission's opinion that the transfer of this certificate is in the interest of the public served thereunder and that a public hearing on the matter is not necessary, and good cause appearing

IT IS HEREBY ORDERED that E. Vincent Keeling, Trustee of the Estate of Clear Lake Beach Co., a corporation bankrupt, operating under the fictitious firm name and style of Lucerne Water, Light and Power Company, be and he is hereby authorized to transfer and assign to J. L. Annette after the effective date hereof and prior to June 30, 1935, the certificate of public convenience and necessity acquired by Decision No. 26251, provided that the consideration paid for such certificate will not be urged before this Commission as determining the value of said certificate for any purpose other than the transfer herein authorized.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective on the date that J. L. Annette acquires the distribution and other physical facilities necessary to give the service contemplated by the certificate of public convenience and necessity herein authorized to be transferred.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the effective date hereof, J. L. Annette shall file with the Commission a copy of the deed or bill of sale under which he acquires and holds title to the distribution and other facilities referred to

in the preceding paragraph.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of  
April, 1935.

Leon C. Whittell

W. J. Linn

M. B. Harris

W. H. ...

Frank ...

Commissioners.