

Decision No. 23731

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
TOWNER B. LINKHORN and O. R. HAILE  
for permission to transfer by said  
Linkhorn to Haile, the Water System  
at Denair, California, and to execute  
a Trust Deed upon said property.

Application No. 23731

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

In this application, Towner B. Linkhorn, a resident of Modesto, asks permission to sell his public utility water system at Denair, Stanislaus County, to O. R. Haile for the sum of \$3,800, payable as follows: the sum of \$100 upon the execution of the escrow agreement, the further sum of \$200 on October 1, 1940, and the balance, \$3,500, in monthly installments of \$50 commencing on November 1, 1940, which installments include interest at the rate of 6% per annum. The \$3,500 will be represented by a promissory note, the payment of which will be secured by a deed of trust upon the real property to be conveyed to said O. R. Haile. A copy of the deed of trust and a copy of the note are on file in this proceeding.

The properties which Towner B. Linkhorn asks permission to sell to O. R. Haile are generally described as follows:

- (a) Lots 21, 22, 23, 24 and 25 in Block 3 of the TOWN OF ELMWOOD, now Denair, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on March 8, 1897, in Vol. 1 of Maps at page 51.

- (b) Water tank; 1 three inch Centrifugal Pump; 1 Overload switch; 2 ten horse power motors; and pipe lines installed for the purpose of supplying some of the residents of Denair with water.

The estimated annual revenues of the water system is reported at \$960.

O. R. Haile is a resident of the Town of Denair, and from the evidence appears to be capable of managing the operations of the water system, and proposes to install many plant improvements.

O R D E R

The Commission having considered applicants' request and it being of the opinion that this is not a matter in which a public hearing is necessary, and that this application should be granted subject to the provisions of this Order, therefore,

IT IS HEREBY ORDERED as follows:

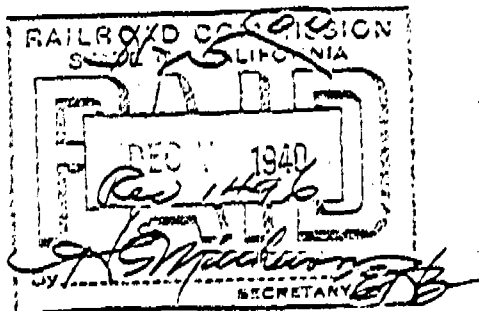
1. Towner B. Linkhorn may, on or before January 1, 1941, sell and transfer his public utility water system, described generally in the foregoing Opinion and more particularly in this application, to O. R. Haile, for the sum of \$3,800.
2. O. R. Haile may, on or before January 1, 1941, issue a note for the sum of \$3,500 for the purpose of paying in part for said water system, said note to be in the same form as the note filed in this proceeding, and may execute a deed of trust similar in form to the deed of trust filed in this proceeding; provided, however, that the authority herein granted to execute said deed of trust is for the purpose of this proceeding only, and is granted only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said deed of trust as to such other legal requirements to which said deed of trust may be subject.
3. The authority herein granted will become effective when O. R. Haile has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is \$25.
4. The authority herein granted is subject to further conditions as follows:

- (a) Within thirty (30) days after acquiring said properties, O. R. Haile shall file with the Commission a copy of the deed under which he holds title to said properties.
- (b) Within ten (10) days after the date on which Towner B. Linkhorn actually relinquishes control and possession of the property herein authorized to be transferred, he shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
- (c) On or before the first of January, 1941, Towner B. Linkhorn shall refund to such consumers as may be entitled thereto all amounts, if any, deposited for main extensions, meter or service connections, and/or any other purposes, and not later than said date he shall file with this Commission a certified statement to the effect that all such refunds, if any, have been duly made.
- (d) The consideration for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate fixing or for any purpose other than the transfer herein authorized.
- (e) On or before the first day of January, 1941, O. R. Haile shall file in quadruplicate with this Commission the schedule of rates presently effective on his Denair water system, together with four sets of rules and regulations to cover service within said area, each set of which rules and regulations shall contain a suitable map or sketch, drawn to an indicated scale, upon a sheet approximately 8 $\frac{1}{2}$  by 11 inches in size, delineating thereupon in distinctive markings the boundaries of his service area, provided further, however, that such map or sketch shall not thereby be considered by this Commission or any other public body as a final or conclusive determination or establishment of the dedicated area of service, or any portion thereof.
- (f) Within sixty (60) days from the date of this Order, O. R. Haile shall file with this Commission four copies of a comprehensive map drawn to an indicated scale of not less than 400 feet to the inch, upon which shall be delineated correctly by appropriate markings the territory to be served by said system. This map should be reasonably accurate, show the source and date thereof, and sufficient data to determine clearly and definitely the location of the various properties comprising the entire utility area of service.

IT IS HEREBY FURTHER ORDERED that upon due compliance with the terms and conditions set forth in paragraphs (a), (b), and (c) above, Towner B. Linkhorn be and he is hereby relieved of all further public utility obligations and liabilities in connection with the properties herein authorized to be transferred.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco California, this 2nd day of December 1940.



Ray & Rice  
Towner B. Linkhorn  
J. S. Madson  
Justin J. Queener  
COMMISSIONERS.