

Decision No. 37015

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of HOME FARMS WATER COMPANY, formerly a corporation, now dissolved, to have approved its conveyance of the domestic water system in and about the Town of Romoland, Riverside County, California, to "John L. Kinsella, as Trustee for the water users in and about the Town of Romoland" and the cancellation of that certain indenture of lease dated June 1, 1943, between HOME FARMS WATER COMPANY and AL FREEDMAN, lessee, and the cancellation of certificates of public convenience and necessity granted by Decision No. 18157 and Decision No. 26427.

Application  
No. 26015

BY THE COMMISSION:

O P I N I O N

The Commission's Order in Decision No. 36309, dated April 20, 1943, in Application No. 24195, reads, in part, as follows:

"IT IS HEREBY ORDERED that existing certificates authorizing Home Farms Water Company to render public utility water service in Riverside County, in so far as such certificates authorize service in territory other than that certain area in and about the town-site of Romoland (more particularly described as the S $\frac{1}{2}$  of Section 10, T.5 S., R.3 W., S.B.B.& M.), the area adjacent thereto, and the 40-acre (more or less) tract now occupied by Frank Quartararo in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, T.5 S., R.3 W., S.B.B.& M., are hereby canceled and said company relieved of all utility obligations.

"IT IS FURTHER ORDERED that Home Farms Water Company be and it is hereby authorized, within ninety (90) days from the date of this Order, to lease its public utility properties in and about the townsite of Romoland (more particularly described as the S $\frac{1}{2}$  of Section 10, T.5 S., R.3 W., S.B.B.& M.), the area adjacent thereto, and the 40-acre (more or less) tract now occupied by Frank Quartararo in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, T.5 S., R.3 W., S.B.B.& M., together with its certificate of public convenience and necessity, to Al Freedman, substantially in accordance with the indenture attached as Exhibit 'A' to the amended supplemental application herein."

In the instant application, as amended, Albert E. Kern, formerly President of Home Farms Water Company, now dissolved, reports that because of illness, Al Freedman is not able to operate said Romoland Water System. He further reports that all of the property of Home Farms Water Company, other than its public utility water system, has been sold. Subject to the approval of the Commission, Home Farms Water Company prior to its dissolution executed a deed and bill of sale transferring said public utility water properties, without charge, to John L. Kinsella. He intends to operate the properties as a public utility under the same rates, rules and regulations which Al Freedman filed on June 14, 1943 in compliance with the Commission's Order in said Decision No. 36309. We will not ask him to refile said rates, rules and regulations but he should adopt the same as his own by filing an appropriate affidavit of adoption.

The Commission is asked to approve the cancellation of the lease executed by Home Farms Water Company to Al Freedman under the authority granted by Decision No. 36309 and to transfer the certificate of public convenience and necessity therein referred to to John L. Kinsella.

O R D E R

The Commission has considered applicant's request and is of the opinion that this is not a matter on which a hearing is necessary, and that this application should be granted subject to the provisions of this Order, therefore,

IT IS HEREBY ORDERED that Home Farms Water Company, its successors and assigns be, and they are hereby, authorized to transfer to John L. Kinsella the certificate of public convenience and necessity defined in the Order in Decision No. 36309 and the public utility water properties to which reference is made in said Order and in this application.

IT IS HEREBY FURTHER ORDERED that Home Farms Water Company, its successors and assigns, and Al Freedman be, and they are hereby, authorized to cancel the lease executed under the authority granted by said Decision No. 36309.

IT IS HEREBY FURTHER ORDERED that if said John L. Kinsella acquires said certificate of public convenience and necessity and said public utility water properties, he shall file with the Railroad Commission an affidavit adopting as his own, the rates, rules and regulations filed by Al Freedman on June 14, 1943.

IT IS HEREBY FURTHER ORDERED that if said John L. Kinsella acquires said certificate of public convenience and necessity and said public utility water properties, he shall file within sixty (60) days after the date of this Order a copy of the deed and a copy of the bill of sale under which he holds title to said certificate of public convenience and

necessity and said public utility properties.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of April, 1944.



Justus F. Quisenberry

Francis J. Havens

Wm. W. Cross

James H. Quince  
Commissioners.