

Decision No. 38002

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J. LOWELL ANNETTE and LILLIAN C. ANNETTE,
co-partners, doing business under the
name and style of Lucerne Water, Light
and Power Company, and JOSEPH J. GUAY
and RETTA E. GUAY, his wife, for an order
of the Railroad Commission authorizing
the former to sell to the latter the water
distribution system herein described.

ORIGINAL

Application No. 26707

BY THE COMMISSION:

ORDER

J. Lowell Annette and Lillian C. Annette, co-partners, doing business as Lucerne Water, Light and Power Company, engaged in selling water for domestic purposes in and in the vicinity of the unincorporated town of Lucerne, Lake County, ask the Commission for authority to sell and transfer their water system and certain real property for Seven Thousand Dollars (\$7,000) to Joseph J. Guay and Retta E. Guay, his wife, who join in the application.

The Commission, in its Decision No. 17201, dated August 11, 1926, granted Verne L. Olson, doing business under the fictitious name of Lucerne Water, Light and Power Company, a certificate of public convenience and necessity to operate a public utility water system in the town of Lucerne. J. Lowell Annette and Lillian C. Annette, a co-partnership, was authorized to acquire the system by the Commission in its Decision No. 27359, dated April 1, 1935. The Annettes now desire to retire from public utility business and engage in other activities. Joseph J. Guay and Retta E. Guay, his wife, desire to acquire the property and engage in the business of operating the water system.

The fixed capital, as of December 31, 1944, is reported as \$20,447. The operating revenues and expenses for the year were \$1,934 and \$2,440 respectively, resulting in a purported operating loss of \$506. There were 44 consumers receiving service from the system at the end of the year.

It appearing that this is not a matter in which a public hearing is necessary, and that the application should be granted, now, therefore,

IT IS HEREBY ORDERED that J. Lowell Annette and Lillian C. Annette, co-partners, doing business as Lucerne Water, Light and Power Company, be and they are hereby authorized to sell and transfer to Joseph J. Guay and Retta E. Guay, his wife, the certificate of public convenience and necessity defined in the Commission's Order in its Decision No. 17201, and their public utility system, together with all operative rights, said properties and rights being more particularly described in the Agreement of Sale attached to the application and marked Exhibit "A," said sale and transfer to be made in accordance with the terms and conditions of said Agreement of Sale, hereby made a part of this Order by reference.

IT IS HEREBY FURTHER ORDERED as follows:

1. That such transfer shall be made on or before July 31, 1945, and that J. Lowell Annette and Lillian C. Annette, co-partners, shall file a certified copy of the final instrument of conveyance with this Commission on or before said date.
2. That J. Lowell Annette and Lillian C. Annette, co-partners, shall file a written statement with this Commission on or before July 31, 1945, indicating the date on which control of said water system was relinquished.
3. That on or before the date of actual transfer of said system, J. Lowell Annette and Lillian C. Annette, co-partners, shall refund all deposits which consumers are entitled to have refunded under the utility's filed rates, rules and regulations, and shall file a written statement, on or before July 31, 1945, showing disposition of any such deposits, or that no deposits existed.
4. That upon compliance with the above Order of the Commission, said J. Lowell Annette and Lillian C. Annette, co-partners, shall be relieved of all public utility obligations and liabilities in connection with said system.

5. That Joseph J. Guay and Retta E. Guay, his wife, are hereby directed to file, on or before July 31, 1945, four copies of rates for water service furnished by this system at Lucerne, Lake County, which rates shall not be higher, in any particular, than the applicable rates now on file.
6. That Joseph J. Guay and Retta E. Guay, his wife, are hereby directed to file, on or before July 31, 1945, four sets of rules and regulations applicable to water service at Lucerne, Lake County, each set of which shall contain a map or sketch, drawn to an indicated scale, upon a sheet approximately 8 1/2 x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the present service area and the location thereof with reference to the surrounding territory; it being understood, however, that the filing of such sketch shall not be considered as a conclusive determination of the area dedicated.
7. That Joseph J. Guay and Retta E. Guay, his wife, are directed to file, on or before July 31, 1945, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating the area served at Lucerne, Lake County, and its location with reference to the source of supply and surrounding territory. Such map shall show the source and date thereof, and include data sufficient to determine clearly the location of the various properties comprising the service area.

The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding involved herein.

This Order shall become effective upon the date hereof.

Dated at San Francisco, California, this 19th day of June, 1945.

Charles Anderson
Justice J. Casper
Richard L. Laska
Francis C. Carr
James H. Lavelle

Commissioners.