

Decision No. 39714

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of )  
Jesse Dallas Nichols, et ux, to sell )  
and )  
Louis L. Ferguson, et al, to purchase )  
the utility company known as the )  
Homeland Water Company, at Boron, )  
Kern County, California. )  
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Application  
No. 27904

O P I N I O N

In this application as amended, Jesse Dallas Nichols and Myrtle Nichols, owners of public utility water properties at Boron, Kern County, California, asks permission to sell such properties to Louis L. Ferguson and Mae Ferguson, husband and wife, as joint tenants, as to an undivided one-half interest, and Reinholt Achziger and Agnes Achziger, husband and wife, as joint tenants, as to an undivided one-half interest. The properties have been operated under the name of the Homeland Water Company.

The Commission by Decision No. 30691, dated March 14, 1938, in Application No. 21553, granted to Jesse Dallas Nichols and Myrtle Nichols a certificate of public convenience and necessity to operate a water system in that certain tract of land described as all of that portion of Tract 1049 situate in the northeast quarter of Section 6, Township 10 North, Range 7 West, San Bernardino base and meridian, which lies south of the right-of-way of the Atchison, Topeka and Santa Fe Railway in Kern County. By Decision No. 30691 the Commission also fixed the rates which the Nichols could charge for water service.

The water properties which they ask permission to sell consist of said certificate of public convenience and necessity,

some real estate, a pumping plant, a well, a water tower, mains, meters, and other personal property used to supply water to about 28 consumers. The properties are generally described in the agreement on file in this application as Exhibit "A". The purchasers have agreed to pay for the properties \$2,000 in cash and assume the payment of about \$358 due on the purchase of pipe from the Kelly Pipe Company. The undepreciated investment in the properties is reported at \$3,010.96. For 1945 the operating revenues amounted to \$946.88. The purchasers of the properties reside in Boron and have been operating the system for the sellers.

O R D E R

The Commission has considered applicants' 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 as herein provided, therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Jesse Dallas Nichols and Myrtle Nichols may sell, after the date hereof and on or before March 1, 1947, their public utility water properties described in Exhibit "A" to Louis L. Ferguson and Mae Ferguson, husband and wife, as joint tenants, as to an undivided one-half interest, and to Reinhold Achziger and Agnes Achziger, husband and wife, as joint tenants, as to an undivided one-half interest.

2. Prior to or concurrently with the transfer of said public utility water properties, said purchasers shall file with the Railroad Commission an adoption of the rates, rules and regulations which

sellers now have on file with the Railroad Commission.

3. Within thirty (30) days after the transfer of said properties, purchasers shall file with the Railroad Commission a copy of the deed or other instrument of conveyance under which they hold title to said properties.

4. Purchasers are placed upon notice that the transfer of the certificate of public convenience and necessity is subject to the following provision of law: That the Commission shall have no power to authorize the capitalization of the certificate of public convenience and necessity or the right to own, operate or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

5. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

Dated at San Francisco, California, this 10<sup>th</sup> day of December 1946.

Harold P. Huls  
Justice F. Cramer  
Thomas C. ...  
... Russell  
R. T. ...  
Commissioners