

Decision No. 40069

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of FRED J. STEWART and MARK RHODES, )  
a co-partnership, to sell, and BURT )  
L. WETZEL and ELMER M. KANE, to )  
purchase a water system for the )  
production, distribution and sale )  
of water, operated by sellers near )  
Fallbrook, San Diego County, )  
California. )  
-----

ORIGINAL

Application  
No. 28258

O P I N I O N

This is an application to the Public Utilities Commission for an order authorizing Fred J. Stewart and Mark Rhodes to sell a certain water system to Burt L. Wetzel and Elmer M. Kane for the sum of \$4,750.00.

The water system is known as the Moro Public Utility and is located approximately three miles south of Fallbrook, San Diego County. The properties include a certificate of public convenience and necessity granted by the Commission by Decision No. 38381, dated November 6, 1945, certain land, a well, three pumps, nine meters and approximately 3,400 feet of pipe. The present owners report their investment in the properties, less reserve for depreciation, as of November 30, 1946 at \$4,804.99.

The application shows that the present owners either have removed or are about to remove from Fallbrook and that accordingly they desire to dispose of this water system. The purchasers are water users lying within the service area who desire to obtain title to the system and to continue the operations.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that the

application should be granted. The certificate of public convenience and necessity authorized to be transferred is subject to the provisions of law that the Commission shall have no power to authorize the capitalization of the certificate or the right to own, operate or enjoy such certificate 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.

The authority herein granted shall not be construed to be a finding of value of the properties herein authorized to be transferred.

O R D E R

Application having been made for a transfer of public utility water properties, and the Commission having considered the matter and being advised in the premises,

IT IS HEREBY ORDERED as follows:

1. Fred J. Stewart and Mark Rhodes may, on or before June 30, 1947, sell and transfer to Burt L. Wetzel and Elmer M. Kane, the properties referred to in the foregoing opinion and described in the agreement of sale dated December 14, 1946, a copy of which is on file in this proceeding, such sale and transfer to be in accordance with the terms and conditions of said agreement.

2. If Burt L. Wetzel and Elmer M. Kane acquire said water properties, they shall furnish and supply water service to the public under and in accordance with the rates, rules and

regulations heretofore filed with the Commission by Fred J. Stewart and Mark Rhodes and shall adopt as their own said rates, rules and regulations.

3. Burt L. Wetzel and Elmer M. Kane shall file with the Commission within thirty (30) days after the date of acquisition of the properties under the authority herein granted, a certified copy of the deed of conveyance, a statement indicating the exact date upon which they acquired said properties, and showing the amount of consumers' deposits, if any, the sellers turned over to them for return to consumers.

4. The authority herein granted will become effective upon the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of March 1947.

Harold Kula  
Justin F. Casseus  
Jack H. Russell  
R. J. [unclear]  
Penelope [unclear]  
Commissioners