

ORIGINAL

Decision No. 40940

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
for Sale of the Garberville Gas	:	Application
Company, Humboldt County, State)	No. 26747
of California, to Kenneth E. Knapp.	:	(First Supplemental)
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FIRST SUPPLEMENTAL OPINION

The Commission by Decision No. 37961, dated June 5, 1945, authorized Mrs. Grace O. Knapp, administratrix of the estate of Dwight E. Knapp, to sell, on or before November 30, 1945, the properties operated under the fictitious name of Garberville Gas Company and described in Exhibit "A" to Kenneth E. Knapp. Through inadvertence she did not exercise the authority granted by said decision.

On February 23, 1942, Dwight E. Knapp, father of Kenneth E. Knapp, entered into an agreement wherein and whereby Dwight E. Knapp agreed to sell, for \$10,500, the Garberville Gas Company properties to Kenneth E. Knapp. Applicants report that the sale, except for the approval by the Commission, was completed prior to the death of Dwight E. Knapp on March 29, 1945. Subsequent to his death Grace O. Knapp was appointed administratrix of the estate of Dwight E. Knapp. On September 13, 1946, all property belonging to the estate of Dwight E. Knapp was distributed to Grace O. Knapp. She has under date of September 8, 1947, executed a bill of sale and deed conveying to Kenneth E. Knapp all properties and assets of the Garberville Gas Company,

including but not limited to the following:

- a. Lots 2 and 3 of the Tobin Annex, metal building and fencing.
- b. Distribution system consisting of mains, services and rights of way.
- c. Franchise from the County of Humboldt.
- d. One Hudson one-half ton pick up.
- e. Machinery and tools, pipe, fittings, meters, etc.
- f. Accounts receivable and appliances on hand.

The transfer will be made on condition that Kenneth E. Knapp, who has been operating the gas properties since February 23, 1942, will assume all obligations and liabilities incurred by him while doing business as Garberville Gas Company from said February 23, 1942, to the date of the transfer, and that said Kenneth E. Knapp will save Grace O. Knapp harmless from any and all liabilities therefor.

A copy of the bill of sale and deed are filed as Exhibits "1" and "2" with the supplemental application.

Kenneth E. Knapp agrees to operate the Garberville Gas Company properties under the rates, rules and regulations filed with the Commission on June 1, 1939, by Dwight E. Knapp, and to refund to consumers any and all amounts due them under said rules and regulations.

FIRST SUPPLEMENTAL ORDER

The Commission has considered applicants' request and is of the opinion that this is not a matter on which a hearing is

necessary, that the sale and transfer of said properties is in the public interest, and that this application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED as follows:

1. Grace C. Knapp may, on or before February 1, 1948, sell and transfer the Garberville Gas Company properties described in the bill of sale and the deed filed with the First Supplemental Application in this matter as Exhibit "1" and Exhibit "2", to Kenneth E. Knapp, such sale and transfer to be made pursuant to the terms and conditions of said bill of sale.

2. Kenneth E. Knapp shall, prior to the sale and transfer of said properties, file with the Commission a notice that he will adopt, effective concurrently with the sale and transfer of said properties, the rates, rules and regulations filed on June 1, 1939, by Dwight E. Knapp, and that he will refund to consumers any amounts due them under said rules and regulations.

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

4. If Kenneth E. Knapp acquires said Garberville Gas Company properties, he shall file with the Commission a copy of the bill of sale and a copy of the deed executed for the purpose of vesting title in him to said properties.

5. The authority herein granted is effective ten (10) days after the date hereof.

Dated at San Francisco, California, this 19th day of November, 1947.

Harold P. Kula

Leah P. Kula

A. J. Kula

Commissioners