

ORIGINAL

Decision No. 43333

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MAYNARD SMITH For Permission to Sell
Public Utility Water System to H. E.
LONG, Sunrise Homes Tract, Stanislaus
County, California

Application
No. 30618

OPINION AND ORDER

This is an application for an order authorizing Maynard Smith to sell a public utility water system to H. E. Long.

Maynard Smith owns and operates a public utility water system to supply water to approximately thirty consumers in the Sunrise Homes Tract near Modesto. (1) He reports that he finds it difficult to continue to supervise and operate the system, due to other business activities, and that accordingly he has made arrangements to sell the same to H. E. Long for the sum of \$5,800, payment to be made upon delivery of a deed of conveyance. The purchaser, it is reported, is engaged in subdividing certain adjoining property and desires to extend the water system to supply water to such property.

The Commission has considered this matter and is of the opinion that a public hearing thereon is not necessary and that the application should be granted, as herein provided, therefore,

(1) Applicant Smith acquired the water system during 1948, pursuant to the authority granted by Decision No. 41680, dated May 28, 1948, and Decision No. 41700, dated June 8, 1948, from J. L. Brady for the sum of \$6,500. He reported his operating revenues during 1948 at \$463 and his operating expenses, exclusive of depreciation, at \$288.

IT IS HEREBY ORDERED as follows:

1. Maynard Smith, after the effective date hercof and on or before December 31, 1949, may sell and transfer to H. E. Long, the certificate of public convenience and necessity acquired by him pursuant to the authority granted by Decision No. 41700 dated June 8, 1948, and the public utility water system referred to in this application.
2. Maynard Smith shall file with the Commission within thirty (30) days after transfer of the water system under the authority herein granted, a copy of the deed, or deeds, of conveyance and a statement indicating the date upon which he relinquished control and possession of said system.
3. Maynard Smith, on or before the date of the transfer of the properties, shall refund all deposits which customers are entitled to have refunded and shall file with the Commission a written statement showing the amount of deposits, if any, refunded, and the amount, if any, of unrefunded deposits. The obligations to refund unrefunded deposits shall be assumed by H. E. Long.
4. The rates, rules and regulations of Maynard Smith, now legally on file with the Commission, shall be refiled within thirty (30) days from the date of the transfer of the said properties under the name of H. E. Long in accordance with the procedure prescribed by General Order No. 96, or in lieu of such re-filing, H. E. Long may file a notice of adoption of said presently filed rates, rules and regulations. No increases in the presently filed rates, rules and regulations shall be made unless properly authorized by this Commission.

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

6. The authority herein granted will become effective twenty (20) days from the date hereof.

Dated at San Francisco, California this 27th day of September, 1949.

Justus D. Cressen
James D. Cressen
Harold P. Kula
Samuel B. Potter
Commissioners