

ORIGINAL

Decision No. 42413

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

CECIL N. FOUST and)
CHRISTINE FOUST,)

his wife, individuals doing business :
under the name and style of)

Application
No. 30674

CECIL FOUST WATER COMPANY,)

for an Authorization and Order Auth-)
orizing Sale and Transfer of Public :
Utilities.)

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OPINION AND ORDER

The Commission by Decision No. 42487, dated February 8, 1949, in Case No. 4976, found that the water works owned by Cecil N. Foust and Christine Foust, his wife, are being used in supplying water as a public utility to inhabitants of Tract No. 224, Crowner Subdivision, located approximately three-fourths of a mile north of San Martin on the east side of Highway No. 101, in Santa Clara County.

Cecil N. Foust and Christine Foust, his wife, are the owners of the following real property:

"ALL OF LOTS 5, 27, 28 and the Northwesterly 30 feet, front and rear measurements of LOT 6, as shown upon that certain Map entitled, 'Tract No. 224 Crowner Subdivision', which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on April 10, 1946 in Book 8 of Maps, at pages 50 and 51."

They have agreed to sell said real property, including said public utility water properties and other appurtenances to

said real property, to Alladino B. Mecchi and Norma Mecchi, his wife. The water properties are incidental to the other properties being sold. The value of the water properties is reported at \$2,800, and the operating revenues from the sale of water for the 12 months ending October 1, 1949, at \$680.

Purchasers will assume all obligations for maintaining and operating the public utility water properties, and will continue to operate the same under the rates, rules and regulations which sellers now have on file with the Commission.

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

IT IS HEREBY ORDERED as follows:

1. Cecil N. Foust and Christine Foust, his wife, doing business under the name and style of Cecil Foust Water Company, may sell and transfer, after the effective date hereof and on or before December 31, 1949, to Alladino B. Mecchi and Norma Mecchi, his wife, the public utility water properties referred to in this application and used in supplying water to consumers residing in Tract No. 224, Crowner Subdivision, located about three-fourths of a mile north of the Town of San Martin, Santa Clara County.

2. Cecil N. Foust and Christine Foust, his wife, prior to the sale and transfer of said properties, shall refund all deposits which customers are entitled to have refunded, and shall file with the Commission, within thirty (30) days after the sale and transfer of said properties, a written statement showing the amount of

deposits, if any, refunded and the amount, if any, of unrefunded deposits, and the date upon which they relinquished control and possession of said public utility water system. The obligation to refund unrefunded deposits shall be assumed by Alladino B. Mecchi and Norma Mecchi, his wife.

3. The rates, rules and regulations of Cecil N. Foust and Christine Foust, his wife, doing business under the name and style of Cecil Foust Water Company, now legally on file with the Commission, shall be refiled within thirty (30) days from the date of the sale and transfer of said properties under the name of Alladino B. Mecchi and Norma Mecchi, his wife, in accordance with the procedure prescribed by General Order No. 96 or, in lieu of such refiling, Alladino B. Mecchi and Norma Mecchi, his wife, 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.

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

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

Dated at San Francisco, California, this 18th day of October, 1949.

R. E. Anderson
Justus F. Calver
Harold F. Kule
Francis P. Potts
Commissioners