

ORIGINAL

Decision No. 44295

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of)
 AUBREY SORRELS and ANA MARIA)
 SORRELS to sell, and RAYMOND R.)
 McDONALD and LAVERNE McDONALD,)
 to purchase the public utility)
 water system known as BIOLA WATER)
 CO.)
 -----)

Application
No. 31445

O P I N I O N

This application shows that Aubrey Sorrels and Ana Maria Sorrels, hereinafter referred to as Sellers, are engaged in the business of operating a small public utility water system serving approximately 140 consumers in and about Biola, Fresno County. They report that they intend to move from the State and that they have made arrangements, and in this application ask permission, to sell their water system to Raymond R. McDonald and LaVerne McDonald.

The agreed consideration to be paid for said water system, and certain other real property and improvements, is \$20,000, of which amount the sum of \$5,484.79 will be paid by the assumption by the purchasers of a note, secured by a deed of trust, heretofore executed by the Sellers pursuant to authority granted by Decision No. 40259, dated May 13, 1947, and the balance of \$14,515.21 will be paid in cash within not more than six months from the date of the close of the escrow.

The properties to be transferred include a certificate of public convenience and necessity originally granted by the Commission

by Decision No. 10112, dated February 20, 1922, and transferred to the present owners pursuant to authority granted by said Decision No. 40259, together with approximately 12,000 feet of water mains, a well 108 feet deep equipped with a 10 h.p. pump, and a 1,500-gallon pressure tank. The real property included in the proposed transfer consists of Lots 1, 2 and 3, the east 4 feet of Lot 4, all of Lot 5 except the north 110 feet, and all of Lots 27 and 28, in Block 48 of Biola. The property which is part of the water system is a portion of said Lot 5.

A review of the application indicates that the proposed transfer will not be adverse to the public interest and that an order authorizing such transfer should be entered.

The certificate of public convenience and necessity herein 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 or right.

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

Q E D E R

The Commission having considered the above entitled matter and being 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. Aubrey Sorrels and Ana Maria Sorrels, after the effective date hereof and on or before August 31, 1950, may sell to Raymond R. McDonald and LaVerne McDonald the certificate of public convenience and necessity and the public utility water system referred to in this application, under the terms and conditions set forth therein, and Raymond R. McDonald and LaVerne McDonald may assume the payment of the balance, not exceeding \$5,484.79, of the note and deed of trust presently outstanding and referred to in this proceeding.

2. The rates, rules and regulations of Aubrey Sorrels and Ana Maria Sorrels, now legally on file with the Commission, shall be refiled within thirty (30) days after the date of transfer under the name of Raymond R. McDonald and LaVerne McDonald, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refiling, said Raymond R. McDonald and LaVerne McDonald may file a notice of adoption of said presently filed rates, rules and regulations. No increase in the present rates, rules and regulations shall be made unless otherwise properly authorized by the Commission.

3. On or before the date of actual transfer, Aubrey Sorrels and Ana Maria Sorrels shall refund all deposits which customers are entitled to have refunded. Any unrefunded deposits shall be transferred to and become the obligations of Raymond R. McDonald and LaVerne McDonald.

4. If the authority herein granted is exercised, Raymond R. McDonald and LaVerne McDonald, within thirty (30) days after the date of acquisition of said water system, shall file with the Commission a copy of each deed of conveyance of said system, a statement indicating the exact date upon which they commenced operating said system, and a statement showing the amount of deposits, if any, turned over to them for refund to customers.

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

Dated at Los Angeles, California, this 13th day of June, 1950.

R. F. Zimmerman
Walter P. Cassady
Donald Powell
Harold A. Kula
Herbert P. Pottel
Commissioners