

Decision No. 45049**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF
Sada Coe Robinson for authority to
sell the San Martin Water Works to
John J. Baumgartner, Jr.

Application No. 31872

O P I N I O N

In this application, filed October 30, 1950, Sada Coe Robinson, doing business as San Martin Water Works, seeks authority to sell her public utility water system, in San Martin, Santa Clara County, to John J. Baumgartner, Jr.

The property to be transferred consists of certain parcels of land, a well, pump, pressure tank, storage tank, and a water distribution system which serves approximately 80 customers. Applicant Robinson purchased said utility system for the sum of \$20,000 in August, 1950, on authorization of this Commission's Decision No. 44620. It is now proposed to sell said system to Applicant Baumgartner for the sum of \$25,000 payable in cash. The latest annual report, filed with this Commission, shows a total system cost of \$17,440. It is obvious that the consideration now to be paid is in excess of the costs carried in fixed capital accounts. The action herein taken shall not be construed to be a finding of the value of the property to be transferred.

Applicant Baumgartner has recently purchased some 3,268 acres of land adjacent to said water system from Applicant Robinson for \$250,000 cash. It appears, that the

purchaser is financially able to maintain the service and facilities of the water system.

On the basis of the information submitted, it appears to the Commission that the proposed sale will not be adverse to the public interest. An order will be entered authorizing the sale as proposed.

O R D E R

The Commission having considered the above-entitled application and being of the opinion that a public hearing thereon is not necessary, and that the requests of applicants should be granted,

IT IS HEREBY ORDERED as follows:

1. Sada Coe Robinson may, on or after the effective date hereof and on or before January 31, 1951, transfer to John J. Baumgartner, Jr., the water properties comprising the San Martin Water Works, under the terms and conditions set forth in the agreement of sale attached to the application.
2. On or before the date of actual transfer, Sada Coe Robinson shall refund all deposits which customers may be entitled to have refunded; and that any unrefunded deposits shall be transferred to and become the obligation for refund of John J. Baumgartner, Jr.
3. The rates, rules and regulations of Sada Coe Robinson now legally on file with this Commission shall be refiled, within thirty (30) days after the date of transfer, under the name of John J. Baumgartner, Jr., (San Martin Water Works) in accordance with the procedure prescribed in General Order No. 96; or, in lieu of such refileing, John J. Baumgartner, Jr., may file a notice of adoption of said presently filed rates, rules and regulations. No increases in the presently lawfully filed rates, rules or regulations shall be made unless otherwise properly authorized by this Commission.
4. Within thirty (30) days after acquisition of said water properties, John J. Baumgartner, Jr., shall file with this Commission a certified copy of the deed or other instrument of conveyance of said properties, together with a written statement as to the date control and operation of said water system were assumed.

5. That said Sada Coe Robinson, doing business as San Martin Water Works, shall be relieved of public utility obligations after the terms of this order have been complied with.

The effective date of this order shall be ~~January~~ 2.7.51
~~(20) day after~~ the date hereof.

Dated at San Francisco, California, this 21st day
of November, 1950.

A. J. [Signature]
Justice F. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners.