

Decision No. 45253

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF
LAWRENCE KIRK and MARGUERITE KIRK
to sell and THE CITY OF WESTMORLAND
to purchase a water system operated
in the City of Westmorland, California.

Application No. 31945.

OPINION AND ORDER

Lawrence Kirk and Marguerite Kirk, doing business as Westmorland Water Company, on November 29, 1950, applied for authority to sell their plant, system, and properties, with one exception, to the City of Westmorland, Imperial County, California, for the sum of \$44,917.41 in accordance with the terms of an agreement attached to the application as Exhibit A thereto.

The agreement provides for the payment of \$10,000 cash, and \$7,017.41 to be paid in monthly installments of \$100 each, commencing with the 15th day of November, 1950, and bearing interest upon the unpaid principal at the rate of 6% per annum, payable monthly. It further provides for the assumption, by the City of Westmorland, of the unpaid balance on the contracts as set out in Exhibits "A" and "B" of Exhibit A attached to the application in the principal sum of \$27,900; execution of the terms of said contracts by sell- ✓
ers herein having been authorized by the Commission's Decision No. 36905 dated February 29, 1944, in Application No. 25924.

The agreement provides for the sale, transfer, and conveyance of the water system and water business of the Westmorland Water Company including all operating equipment, the distribution system thereof, all tools, machinery, and stock on hand at present located on the said premises and used in connection with the said business,

together with all franchises, easements, and rights of way necessary to the operation of the said business. Land to be transferred includes all of that certain lot and parcel of land situate in the County of Imperial, State of California, bounded and described as follows, to wit:

Lots 1, 2, and 3 in Block 73, Townsite of Westmorland containing 10 acres more or less, together with all buildings, structures and improvements thereon, except the north 70 feet of the east 150 feet of Lot 1, Block 73, Resubdivision of the Townsite of Westmorland according to Map No. 210 on file in the office of the County Recorder of Imperial County in the City of Westmorland, County of Imperial, State of California.

The agreement is concurred in by the City of Westmorland by its mayor and city clerk.

In its annual report to the Commission for the year ending December 31, 1949, applicant reported total fixed capital in service amounting to \$42,562.37, no depreciation reserve, operating revenues of \$14,985.55, operating expenses including uncollectibles of \$12,506.23, and net operating revenues of \$2,479.32.

As of December 31, 1949, applicants' records showed that there were consumers' deposits amounting to \$449. All deposits should be refunded to consumers before transfer of the properties is effected, and the order herein will so provide.

It appearing that public hearing is not necessary herein, that the sale and transfer of these properties are not adverse to the public interest and that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that Lawrence Kirk and Marguerite Kirk, doing business as Westmorland Water Company, are authorized to sell after the effective date hereof and on or before the 15th day of February, 1951, to the City of Westmorland, Imperial County, California, in accordance with the terms of an agreement dated October 9, 1950, a copy of which is attached to the application as

Exhibit A, those certain parcels of property described therein subject to the following conditions:

1. Applicant shall, prior to effecting the property transfer herein authorized, refund to the consumers entitled thereto all consumers' deposits shown on its books of accounts as of the date of the property transfer.
2. Applicant shall within thirty (30) days thereafter notify this Commission in writing of the completion of the property transfer herein authorized and of its compliance with the conditions hereof.
3. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th day
of January, 1951.

A. J. D. D. D. D. D.
Justus F. Calmes
Harold F. Hula
Frederick F. Potter
Commissioners...