

ORIGINAL

Decision No. 47267

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DANTE J. NOME LLINI and EVELYN)
 NOME LLINI, his wife, to sell and)
 transfer the assets and properties)
 of a public utilities water dis-)
 tribution system operated by DANTE)
 J. NOME LLINI under the name of)
 SWAIN OAKS MANOR WATER COMPANY)
 (formerly SWAIN OAKS MANOR), and)
 DUNMAR CONSTRUCTION CO., a Calif-)
 ornia corporation, to purchase the)
 same.)
 -----)

Application
No. 33438

O P I N I O N

This is an application for an order authorizing Dante J. Nomellini and Evelyn Nomellini, his wife, to sell and transfer a public utility water system known as the Swain Oaks Manor Water Company to Dunmar Construction Co., a corporation. The system serves approximately 150 customers in a service area located about six and one-half miles north of the City of Stockton.

Information on file with the Commission shows that water deliveries on the water system were started in May, 1947, following the opening of a subdivision known as Swain Oaks Manor, and that the properties and operations were taken over by the present owners in the early part of 1950 pursuant to authorization granted by Decision No. 43952, dated March 14, 1950. The present application shows the net investment in the properties, as of April 30, 1952, at \$50,559.33.

The agreed purchase price in the present transaction is the sum of \$50,000 payable in cash. Under the agreement of sale the Nomellinis will retain accounts receivable as of the close of April,

1952, and will transfer the properties free and clear of liens and encumbrances.

Dunmar Construction Co. was organized on or about December 11, 1950. It reports it is not engaged in any business activity at the present time but that it is desirous of acquiring the Swain Oaks Manor Water Company and of operating the properties as a public utility and of extending them to serve a new subdivision known as Mayfair, located east of Swain Oaks Manor. It expects that an additional 200 customers will be attached to the lines within the next eighteen months and it states that the present well capacity is sufficient to supply such customers, although it will drill any new wells which might become necessary in the future. The corporation reports that it is contemplating changing its name to Mayfair Water Company.

A financial statement attached to the application shows that the corporation has financial resources enabling it to make the payment required under the agreement for the purchase of the Swain Oaks system and to continue the operations.

O R D E R

The Commission having considered this matter and being of the opinion that a public hearing thereon is not necessary, that the proposed transfer will not be adverse to the public interest, and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Dante J. Nomellini and Evelyn Nomellini, after the effective date hereof and on or before September 30, 1952, may sell

and transfer the assets and properties comprising the Swain Oaks Manor Water Company, including the certificate of public convenience and necessity acquired pursuant to authorization granted by Decision No. 43952, dated March 14, 1950, to Dunmar Construction Co., a corporation, such sale and transfer to be made in accordance with the terms of the agreement of sale dated May 23, 1952, filed in this proceeding as Exhibit 2.

2. On or before the date of actual transfer, Dante J. Nomellini and Evelyn Nomellini shall refund all deposits which customers are entitled to have refunded. Any unrefunded deposits shall be transferred to and become the obligation for refund of Dunmar Construction Co.

3. The rates, rules and regulations of Dante J. Nomellini and Evelyn Nomellini now on file with the Commission shall be re-filed within thirty (30) days after the date of transfer under the name of Dunmar Construction Co., in accordance with the procedure prescribed by General Order No. 96, cr, in lieu of such re-filing, Dunmar Construction Co. may file a notice of adoption of said presently filed rates, rules and regulations. No increase in the present rates shall be made unless authorized by the Commission.

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

5. Within thirty (30) days after the transfer of the rights and properties under the authority herein granted, Dunmar Construction Co. shall file with the Commission a copy of the deed, or deeds, of conveyance.

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

Dated at San Francisco, California, this 17th day of June, 1952.

R. J. [Signature]
President

Justin J. [Signature]
Harold [Signature]

[Signature]
[Signature]
Commissioners