

Decision No. 48111

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
FRANK J. HOLLENDER to sell and THOMAS	:	
DONALD HAGERTY to purchase the PLEASANT-)	Application
IMES WATER SYSTEM, Bethel Island, Contra	:	No. 33925
Costa County, California.)	
-----	:	

O P I N I O N

This is an application for an order of the Commission authorizing Frank J. Hollender to sell and transfer the Pleasantimes Water System to Thomas Donald Hagerty.

The water system is used to supply water to approximately 100 customers located on Bethel Island, Contra Costa County. It appears that by Decision No. 42380, dated December 29, 1948, in Case No. 4955, the Commission found applicant Hollender to be operating as a public utility and directed him to file his rates, rules and regulations. Subsequently, applicant Hollender, in this application and in his financial statements on file with the Commission, has reported his investment in his plant and properties at \$10,304.72 as of December 31, 1951, with a depreciation reserve of \$6,823.62. He has reported for the first ten months of 1952 operating revenues of \$1,964.13 and net utility revenues of \$1,105.32, before making allowance for owner's time and federal taxes on income.

Applicant Hollender now reports that he desires to dispose of the water system for the reason that he resides in the City of Pittsburg, approximately 15 miles from Bethel Island, and that his

other business affairs no longer permit him to devote to the water system the time and attention necessary for proper operations. Applicant Hagerty, on the other hand, has acquired, or is engaged in acquiring, 73 acres of land on Bethel Island and intends to reside on the premises and to devote his personal attention to the operation of the utility.

The agreed purchase price to be paid is the sum of \$4,500, payable \$2,500 in cash and \$2,000 at the rate of \$150 a month, together with interest at the rate of 5% per annum upon unpaid balances, the deferred payments to be secured by a deed of trust upon other property now being acquired by applicant Hagerty.

Upon reviewing this matter we are of the opinion that the proposed transfer will not be adverse to the public interest and that the application should be approved.

ORDER

The Commission having considered the above entitled matter, and being of the opinion that a public hearing is not necessary; that the application should be granted, as herein provided; that the money, property or labor to be procured or paid for through the indebtedness herein authorized is reasonably required by applicant Hagerty for the purpose specified herein; and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income; therefore,

IT IS HEREBY ORDERED as follows:

1. Frank J. Hollender, on and after the effective date hereof and on or before March 31, 1953, may sell and transfer the

Pleasantimes Water System to Thomas Donald Hagerty under the terms and conditions set forth in this application.

2. Thomas Donald Hagerty, on and after the effective date hereof and on or before March 31, 1953, may incur indebtedness in the principal amount of not exceeding \$2,000, payable as indicated in this application, in part payment for said Pleasantimes Water System.

3. The action taken herein shall not be construed to be a finding of the value of the properties referred to herein.

4. The rates, rules and regulations of Frank J. Hollender now on file with the Commission shall be refiled within thirty (30) days after the date of transfer under the name of Thomas Donald Hagerty in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refileing, Thomas Donald Hagerty 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.

5. On or before the date of actual transfer, Frank J. Hollender 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 Thomas Donald Hagerty.

6. If the authority herein granted is exercised, Frank J. Hollender, within thirty (30) days thereafter, shall notify the Commission in writing of the date of the completion of the transfer and of his compliance with the conditions hereof, and Thomas Donald Hagerty shall notify the Commission of the action taken by him with respect to the execution of the evidence of indebtedness.

7. The authority herein granted will become effective when Thomas Donald Hagerty has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is twenty-five (\$25.00) dollars.

Dated at San Francisco, California, this 6th day of January, 1953.

A. F. [Signature]
President

Justin J. [Signature]
Harold [Signature]

[Signature]
[Signature]
Commissioners

