

ORIGINAL

Decision No. 48500

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
HALE A. HAMMER and EMMA W. HAMMER,	:	
his wife, and CHARLES C. HAMMER to)	
sell, and A. B. BELL and VIOLA D.	:	
BELL, his wife, to buy the DENAIR)	Application
WATER WORKS and for the conveyance by	:	No. 34172
the Sellers to the Buyers of the real)	
property used in the operation thereof.	:	
-----)	

O P I N I O N

This is an application for an order authorizing Hale A. Hammer and Emma W. Hammer, his wife, and Charles C. Hammer to sell and transfer the Denair Water Works to A. B. Bell and Viola D. Bell, his wife.

The property to be transferred consists of two parcels of land, two pumps and wells, interests in rights-of-way, pipe line and other equipment used in the business of furnishing water to approximately 175 customers in and about the Town of Denair, in Stanislaus County. The agreed consideration to be paid is the sum of \$21,000, of which \$12,000 will be paid in cash and \$9,000 will be represented by a note payable in monthly installments of \$200 or more, including interest at the rate of 6% per annum, the payment to be secured by a deed of trust and a chattel mortgage.

The present owners purchased the system in October, 1950, under authority granted by Decision No. 44902, dated October 10, 1950. They now desire to withdraw from the utility operations for the reason that other business prevents them from giving their

time and personal supervision to the water system. An investigation by our staff indicates that the purchasers are long term residents of the County of Stanislaus and that they are in a position to finance the acquisition of the water system and to continue the operations.

Upon a review of the application we are of the opinion that the proposed transfer will not be adverse to the public interest, that a public hearing in the matter is not necessary, and that an order should be entered granting applicants' request. The action taken herein, however, shall not be construed to be a finding of the value of the property herein authorized to be transferred.

O R D E R

The Commission having considered the above entitled matter, and being of the opinion that the application should be granted, as herein provided; that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required by applicants Bell 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. Hale A. Hammer and Emma W. Hammer, his wife, and Charles C. Hammer, on and after the effective date hereof and on or before September 30, 1953, may transfer the public utility water properties referred to herein, known as the Denair Water Works, to A. B. Bell and Viola D. Bell, his wife, pursuant to the terms of the agreement of purchase dated March 16, 1953.

2. A. B. Bell and Viola D. Bell, his wife, on and after the effective date hereof and on or before September 30, 1953, may issue a promissory note in the principal amount of \$9,000 in part payment for the properties herein authorized to be transferred, and may execute a deed of trust and a chattel mortgage, which note, deed of trust and chattel mortgage shall be in, or substantially in, the same form as those filed in this proceeding.

3. The rates, rules and regulations of Hale A. Hammer and Emma W. Hammer, his wife, and Charles C. Hammer now on file with the Commission shall be refiled within 30 days after the date of transfer under the name of A. B. Bell and Viola D. Bell, his wife, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refiling, A. B. Bell and Viola D. Bell, his wife, 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. On or before the date of actual transfer, Hale A. Hammer and Emma W. Hammer, his wife, and Charles C. Hammer 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 A. B. Bell and Viola D. Bell, his wife.

5. If the authority herein granted is exercised, Hale A. Hammer and Emma W. Hammer, his wife, and Charles C. Hammer, within 30 days thereafter, shall notify the Commission in writing of the date of the completion of the transfer herein authorized and of their compliance with the conditions hereof.

6. A. B. Bell and Viola D. Bell, his wife, shall file with the Commission monthly reports as required by General Order

No. 24-A, which order, insofar as applicable, is made a part of this order.

7. The authority herein granted will become effective when A. B. Bell and Viola D. Bell, his wife, have paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.00.

Dated at San Francisco, California, this 21st day of April, 1953.

R. J. [Signature]
President

Justin J. [Signature]
Harold [Signature]

[Signature]
Edna E. Mitchell
Commissioners

