

Decision No. 48573

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
DAN W. HILDERBRANT (Hilderbrant Water	:	
Service) to sell said service to)	Application
J. LAWRENCE NICKEL upon the terms	:	No. 34272
and conditions hereinafter set forth.)	
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O P I N I O N

This is an application for an order authorizing Dan W. Hilderbrant to sell and transfer a water system known as the Hilderbrant Water Service to J. Lawrence Nickel.

The system to be transferred supplies water to approximately 90 consumers in and about the Town of Farmersville, Tulare County.^{1/} The agreed consideration to be paid is the sum of \$6,500, of which \$2,500 will be paid in cash and \$4,000 will be represented by a note, payable in annual installments of \$1,000 with interest at the rate of 6% per annum.

The present owner desires to withdraw from the utility business because of his advanced age. The purchaser is engaged in the merchandising business in Tulare County, is the owner of a four-fifths interest in the North Tulare Water System, a public utility, has taken an active part in the management of that company and appears to be familiar with the water distribution business. The application shows that the purchaser is in a position to finance the acquisition of the properties and to continue the operations.

Upon a review of the matter we are of the opinion that the

^{1/} The original cost of the property is reported at \$7,500. The revenues during 1952 amounted to \$2,138.

proposed transfer will not be adverse to the public interest and that an order should be entered granting applicants' requests. The action taken herein, however, shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

O R D E R

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 by the issue of the note herein authorized is reasonably required by J. Lawrence Nickel 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. Dan W. Hilderbrant may transfer the public utility water properties referred to herein, on or before September 30, 1953, to J. Lawrence Nickel.
2. J. Lawrence Nickel may issue his promissory note, on or before September 30, 1953, in the principal amount of \$4,000, in part payment for said properties, such note to be payable in annual installments of \$1,000 with interest at the rate of 6% per annum.
3. The rates, rules and regulations of Dan W. Hilderbrant now on file with the Commission shall be refiled within 30 days after the date of transfer under the name of J. Lawrence Nickel, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refileing, J. Lawrence Nickel 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, Dan W. Hilderbrant 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 J. Lawrence Nickel.

5. If the authority herein granted is exercised, Dan W. Hilderbrant, within 30 days thereafter, shall notify the Commission in writing of the date of the completion of the transfer herein authorized and of his compliance with the conditions hereof.

6. J. Lawrence Nickel 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 J. Lawrence Nickel has 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 12th day of May, 1953.

R. J. [Signature]
President

Justus J. Cassner
Harold P. Hale

[Signature]
[Signature]
Commissioners

