

**ORIGINAL**

Decision No. 49934

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )	
W. Glenn Dunning for authority to )	
sell the Linda Center Water System )	Application No. 34539
to August Dententer. )	(Amended)

FIRST SUPPLEMENTAL OPINION AND ORDER

*22.2*

The Commission by its Decision No. <sup>4</sup>28979, dated August 18, 1953, in Application No. A-34539 (Amended), authorized W. Glenn Dunning and August Dententer to enter into a conditional sales agreement, by the terms of which W. Glenn Dunning agreed to sell, and August Dententer agreed to purchase Linda Center Water System for the total amount of \$5,500 to be paid in installments as set forth in the agreement. The subject decision provided that during the pendency of the agreement and until supplemental authorization to effect the sale and transfer of the water system is sought and obtained, August Dententer was authorized to take possession of the water system and operate it as "Agent for W. Glenn Dunning, Owner."

By their first supplemental application, filed on March 17, 1954, applicants W. Glenn Dunning and August Dententer state that the purchaser, August Dententer has completed the payments required by the sales agreement, and applicants now request an order of the Commission authorizing the final transfer of Linda Center Water System to August Dententer. Attached to the application are copies of receipts showing payment by the purchaser of the full amount of \$5,500 plus interest in amounts totaling \$39.05, and also a copy of the bill of sale executed by the seller.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

The Commission having considered the request of the applicants and, being of the opinion that the proposed sale, transfer and

conveyance will not be adverse to the public interest and that a public hearing is not necessary, therefore,

IT IS HEREBY ORDERED that W. Glenn Dunning, on or after the effective date hereof and on or before October 31, 1954, may sell and convey his water system property as set forth in the copy of the bill of sale attached to the first supplemental application herein to August Dententer.

IT IS HEREBY FURTHER ORDERED as follows:

1. That within thirty days after the effective date of the transfer August Dententer shall refile, under his own name, the rates and rules of Linda Center Water System, in accordance with procedure prescribed by General Order No. 96, or in lieu of such refiling said August Dententer may file a notice of adoption of the presently filed rates and rules. No increase in the present lawfully filed rates and rules shall be made unless otherwise properly authorized by this Commission.
2. That on or before the date of actual transfer, W. Glenn Dunning shall refund all deposits which customers of Linda Center Water System are entitled to have refunded; and that any unrefunded deposits shall be transferred to and become the obligation for refund of August Dententer.
3. If the authority herein is exercised, W. Glenn Dunning shall within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of his compliance with the conditions hereof.

- 4. On or before the date of actual transfer of the physical properties herein authorized, W. Glenn Dunning shall transfer and deliver to August Dententer and the latter shall receive and preserve all available records, memoranda and papers pertaining to the construction and operation of the Linda Center Water System.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of April, 1954.

R. F. [Signature]  
President

Justin J. [Signature]

[Signature]

[Signature]

[Signature]  
Commissioners