

Decision No. 51860**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

Application of ERWIN C. BERNDT, doing  
 business as C. J. HORGAN WATER COMPANY,  
 for authorization to sell, and of  
 HARRY C. WILSON and MARTHA A. WILSON,  
 partners doing business under the  
 name of SUMMER HOME PARK WATER CO., for  
 authorization to purchase, a public  
 utility.

Application No. 36934.

OPINION AND ORDER

Erwin C. Berndt, by the above-entitled application, seeks authority to sell, and Harry C. Wilson and Martha A. Wilson to purchase, the assets of the public utility water system now known as C. J. Horgan Water Company located in a community known as Highcroft on the Russian River, Sonoma County.

The properties proposed to be transferred consist of water mains, pumping plant, pump house, well, storage tank, easements for system appurtenances, and four water meters. The present value of the properties, allowing for depreciation, is stated to be \$1,012.16. In consideration of the cost of necessary repairs to the system, the applicants have agreed upon the transfer price of \$200 which is to be paid in cash.

A certificate of public convenience and necessity to operate a public utility water system was granted to Cornelius J. Horgan, dba C. J. Horgan Water System, by the Commission in Decision No. 11267, dated November 23, 1922, in Application No. 8263. The transfer of ownership of this water utility to E. C. and J. Berndt in 1943 was indicated in the annual report to this Commission. Authorization for the transfer was not requested of nor granted by

the Commission. The application states that nine customers are being furnished water service from the subject water utility.

Harry C. Wilson and Martha A. Wilson, as copartners, are the owners of a public utility water system known as Summer Home Park Water Company which serves an area adjoining the Highcroft Subdivision in which the C. J. Horgan Water System is located.

The reasons given for the proposed transfer are that Erwin C. Berndt desires to sell his water system, and Harry C. Wilson and Martha A. Wilson desire to purchase said system, in order that it may be interconnected with the Summer Home Park Water Company facilities, thus providing for a more adequate supply to the water users of both systems.

The rules on file for C. J. Horgan Water Company have been in effect since 1923 and do not reflect present day conditions. The order which follows will provide for the cancellation of such rules and for the application of the rules of Summer Home Park Water Company in the area proposed to be transferred. Any increases in charges which may result therefrom are found to be justified.

The application states that no liens or encumbrances exist on any of the property proposed to be transferred.

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

The Commission having considered the above-entitled application and being of the opinion that a public hearing is not necessary, finds that the proposed transfer will not be adverse to the public interest and the application should be granted; therefore,

IT IS HEREBY ORDERED as follows:

1. Erwin C. Berndt may, on or after the effective date hereof and on or before December 31, 1955, sell and transfer to Harry C. Wilson and

Martha A. Wilson as copartners, the public utility water system properties being presently operated under the name of C. J. Horgan Water Company, and which are more particularly described in the application.

2. The rates of Erwin C. Berndt, doing business as C. J. Horgan Water Company, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the name of Harry C. Wilson and Martha A. Wilson, copartners, doing business under the name of Summer Home Park Water Company, in accordance with procedure prescribed by General Order No. 96. No increases in the presently filed rates shall be made unless otherwise properly authorized by this Commission.
3. That Harry C. Wilson and Martha A. Wilson, copartners, shall within thirty days from the date of actual transfer, amend their presently filed rules, in accordance with procedure prescribed by General Order No. 96, to provide for the application of said rules in the area hereinabove authorized to be transferred.
4. That on or before the date of actual transfer, Erwin C. Berndt shall refund all deposits which customers are entitled to have refunded; and that any unrefunded deposits shall be transferred to and become the obligation for refund of Harry C. Wilson and Martha A. Wilson.
5. That within thirty days from the date of actual transfer Harry C. Wilson and Martha A. Wilson, copartners, shall file with this Commission a copy of each deed or other instrument of conveyance as executed to effect the transfer of property hereinabove authorized.
6. If the authority herein granted is exercised, Erwin C. Berndt 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.
7. That upon due compliance with all the conditions of this order said Erwin C. Berndt shall stand relieved of all further utility obligations and liabilities in connection with the operations of

the public utility water system herein authorized to be transferred.

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

Dated at San Francisco, California, this 23rd day of August, 1955.

John E. Battell  
 President

Augusta F. Casper

William J. Kelly

B. Hardy

Commissioners