

**ORIGINAL**Decision No. 51964

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WINTON HALL, INC., for authority to )  
 sell water system to A. E. HEPPNER. )

Application No. 37202  
 (Amended)

OPINION AND ORDER

By this application filed August 11, 1955, and amended August 24, 1955, Winton Hall, Inc., a corporation, seeks authority to sell and transfer the public utility water system operated by it under the name of Winton Water Works to A. E. Heppner, an individual, who joins in the application. This system furnishes water service in the unincorporated community of Winton, located about eight miles north of Merced, Merced County.

The properties proposed to be transferred consist of two parcels of land, two wells, three pumps, four tanks, two small structures and approximately 7,865 feet of distribution and service pipe, as indicated by an inventory and appraisal set forth in the application and which are stated to have a value of \$2,075.

Applicant alleges that the properties are to be transferred for cash in the amount of \$2,075 under the terms of the Agreement of Sale, Exhibit "A", attached to the application.

The reasons stated for the proposed transfer are that Winton Hall, Inc., although at one time actively engaged in the promotion of the general welfare of the community, is at the present time relatively inactive, its sole active member being A. E. Heppner, that it is essential that money be expended in rehabilitation of the water system so that service may be improved, and that A. E. Heppner is desirous of purchasing the water system properties for the purpose of investing his own money in making the much needed improvements.

Winton Water Works was acquired by Winton Hall, Inc., from Co-Operative Land Company by authority of the Commission in its Decision No. 12407, dated July 27, 1923, in Application No. 9257. In the latest annual report to the Commission filed for the year 1954 for Winton Water Works, the total fixed capital is shown to be \$4,027.07 and the reserve for depreciation, \$682.96.

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

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

IT IS HEREBY ORDERED that:

1. Winton Hall, Inc., a corporation, may, on or after the effective date hereof and on or before December 31, 1955, sell and transfer the public utility water system properties referred to herein, known as Winton Water Works, to A. E. Heppner, substantially in accordance with the terms and conditions set forth in Agreement of Sale, Exhibit "A", attached to the application.
2. The rates and rules of Winton Water Works, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the name of A. E. Heppner in accordance with procedure prescribed in General Order No. 96. No increase in the present filed rates and rules shall be made unless otherwise authorized by this Commission.
3. On or before the date of actual transfer, Winton Hall, Inc., 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 A. E. Heppner.
4. On or before the date of actual transfer of the physical properties herein authorized, Winton Hall, Inc., shall transfer and deliver to A. E. Heppner and the latter shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the properties of Winton Water Works.

5. If the authority herein granted is exercised, Winton Hall, Inc., shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of its compliance with the provisions of this order.
6. Upon due compliance with all the conditions of this order, said Winton Hall, Inc., shall stand relieved of all further public utility obligations and liabilities in connection with the operation 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 13<sup>th</sup> day of September, 1955.

*E. W. [Signature]*  
President

*Justin D. [Signature]*

*Raymond [Signature]*

*[Signature]*

*[Signature]*  
Commissioners