

Decision No. 52491**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HARRY RYAN to)
 transfer his water system to)
 his wife, PHOEBE J. RYAN.)

Application No. 37524

OPINION AND ORDER

This is an application for an order of the Commission permitting Harry Ryan to transfer his public utility water system and his permit to operate said system to his wife, Phoebe J. Ryan, who joins in this application.

Applicant furnishes water service in a subdivision known as Call of the Wild, located in the Los Gatos Hills, Santa Clara County. The subject water system, which is stated to be an integral part of both the subdivision and a 130-acre ranch, is proposed to be transferred without cash consideration.

In his annual report to the Commission filed by applicant for the year ending December 31, 1954, it is indicated that twelve customers were then being served, and that the original cost of the water system as of the end of the year 1954 was \$5,500.

Although applicant's water utility operations are being conducted under the jurisdiction of this Commission, a certificate of public convenience and necessity has never been requested by, nor issued to, applicant.

Authority for the proposed transfer is stated to be sought for the reason that applicant is unable to continue the operations of his water system due to his advanced age and ill health.

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 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. Harry Ryan, on or after the effective date hereof and on or before May 31, 1956, may transfer to Phoebe J. Ryan, his wife, the public utility properties referred to in this proceeding.

2. The rates and rules of Harry Ryan now on file with the Commission shall be refiled within thirty days after the date of actual transfer under the name of Phoebe J. Ryan, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refiling, Phoebe J. Ryan may file a notice of adoption of said presently filed rates and rules. No increase in the present rates shall be made unless otherwise authorized by this Commission.

3. On or before date of actual transfer, Harry Ryan shall refund all customers' deposits and advances for construction which he is obligated to refund. Any unrefunded deposits and advances shall be transferred to and become the obligation for refund of Phoebe J. Ryan.

4. On or before the date of actual transfer of the physical properties herein authorized, Harry Ryan shall transfer and deliver to Phoebe J. Ryan, and the latter shall receive and preserve, all available records, memoranda and papers pertaining to the construction and operation of the properties of the water system.

5. If the authority herein granted is exercised, Harry Ryan shall, within thirty days thereafter, notify this Commission in writing of the date of completion of the transfer herein authorized.

6. Upon due compliance with all the conditions of this order, Harry Ryan shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the public utility water system hereinabove authorized to be transferred.

This order shall be effective on the date hereof.

Dated at San Francisco, California, this 23rd day of January, 1956.

John L. Mitchell
President
Justus J. Calver
Robert L. ...
...
B. ...
Commissioners