

Decision No. 54089**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of GILBERTA ALDERMAN HARMON,)	
ROBERT LEROY HARMON, JR., and)	
HUGH WILLIAM HARMON for an order)	Application No. 38362
authorizing them to file rates)	
and rules and continue operation)	
of the THERMAL WATER SYSTEM.)	

OPINION AND ORDER

By this application filed August 22, 1956, Gilberta Alderman Harmon, as an individual and as trustee under the will of Mattie Evans Alderman, deceased, doing business as Thermal Water System, joins with Robert LeRoy Harmon, Jr., and Hugh William Harmon in requesting authority from the Commission to file rates and rules and to continue the operation of Thermal Water System.

Applicants and their predecessor, Mattie Evans Alderman, have been furnishing water service to the community of Thermal, Riverside County, since prior to 1912. Although no certificate of public convenience and necessity to operate this public utility water system has been issued by this Commission, Mattie Evans Alderman was authorized by Decision No. 12973 issued December 31, 1923, in Application No. 9416, to file rates and rules. According to the trustee's annual report to the Commission for the year 1955, the system furnishes water service to approximately 122 customers.

The application alleges that on January 29, 1943, Mattie Evans Alderman, the then owner of the Thermal Water System, died, and her estate, including the Thermal Water System, was probated in the Superior Court of the State of California in and for the County of Riverside; that certain assets of the estate, including the Thermal Water System, were distributed on May 14, 1945, to

Gilberta Alderman Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon; and on April 20, 1956, the said court approved the final report of the trustee. A copy of the decree terminating the trust and distributing assets is attached to the application as Exhibit "A", and pursuant to said order, it appears that applicants are the owners, as tenants in common, of all the assets of the Thermal Water System. The utility system constitutes but a small part of the estate.

The balance sheet of Thermal Water System as of December 31, 1955, attached to the application as Exhibit "B", shows the total utility plant in service to be \$28,388.83, but it does not show any reserve for depreciation. The trustee's annual report to the Commission for the year 1955 also shows total utility plant in service to be \$28,388.83, and in addition shows a reserve for depreciation of \$10,378.45, thus indicating a depreciated utility plant of \$18,010.38.

The action taken herein shall not be construed as 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, that the proposed transfer will not be adverse to the public interest, and that the application should be granted; therefore,

IT IS HEREBY ORDERED as follows:

1. That Gilberta Alderman Harmon, as trustee of the estate of Mattie Evans Alderman, deceased, may, on or before March 31, 1957, transfer the above-described utility properties comprising Thermal Water System to Gilberta Alderman Harmon, as an individual, and to Robert LeRoy Harmon, Jr., and Hugh William Harmon pursuant to the provisions of the decree of distribution referred to above.
2. That the rates and rules of Mattie Evans Alderman, deceased, now on file with the Commission shall be refiled under the names of Gilberta Alderman Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon,

in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refileing, Gilberta Alderman Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon, may file a notice of adoption of said presently filed rates and rules. No increases in the present rates and rules shall be made unless authorized by the Commission.

- 3. That on or before the date of actual transfer, Gilberta Alderman Harmon, as trustee of the estate of Mattie Evans Alderman, deceased, shall refund all customers' deposits and advances for construction which are subject to refund. Any unrefunded deposits and advances shall be transferred to and become the obligation for refund of Gilberta Alderman Harmon, as an individual, Robert LeRoy Harmon, Jr., and Hugh William Harmon.
- 4. That on or before the date of actual transfer, Gilberta Alderman Harmon, as trustee of the estate of Mattie Evans Alderman, deceased, shall transfer and deliver to Gilberta Alderman Harmon, as an individual, Robert LeRoy Harmon, Jr., and Hugh William Harmon, and the latter shall receive and preserve all records, memoranda, and papers pertaining to the operation of Thermal Water System.
- 5. If the authority herein granted is exercised, Gilberta Alderman Harmon, as trustee of the estate of Mattie Evans Harmon, deceased, shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of her compliance with the terms hereof.
- 6. Upon due compliance with all the conditions of this order, said Gilberta Alderman Harmon, as trustee of the estate of Mattie Evans Alderman, deceased, shall stand relieved of all further public utility obligations in connection with the operation of the public utility water system herein authorized to be transferred.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 19th day of NOVEMBER, 1956.

[Signature]
President

[Signature]

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Commissioners