

Decision No. 54415

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARVIN BRADLEY JONES)	
as EXECUTOR of the will of IRA JONES,)	
Deceased, doing business as ELK GROVE)	
WATER WORKS, to distribute under)	
Decree of Distribution and SELMA K. JONES))	Application No. 38624
to receive distribution of ELK GROVE)	
WATER WORKS located in the town of)	
Elk Grove, County of Sacramento,)	
State of California.)	

OPINION AND ORDER

By this application filed November 30, 1956, Marvin Bradley Jones, as executor of the will of Ira Jones, deceased, doing business as Elk Grove Water Works, joins with Selma K. Jones in requesting an order authorizing the transfer of the assets of Elk Grove Water Works to Selma K. Jones, as distributee under a Decree of First and Final Account and Decree of Distribution rendered in a probate proceeding dated October 30, 1956, by the Superior Court in and for Sacramento County. A certified copy of the decree is attached to the application.

The application alleges that on November 13, 1955, Ira Jones, the then owner of Elk Grove Water Works, died, and his estate, including Elk Grove Water Works, was probated in the Superior Court of the State of California in and for the County of Sacramento; that certain assets of the estate, including Elk Grove Water Works, were distributed on October 30, 1956, to Selma K. Jones, the said court having approved the final report of the executor. The utility system constitutes but a part of the estate.

The records of this Commission indicate that Ira Jones has owned and operated Elk Grove Water Works since prior to 1912 and for this reason no certificate of public convenience and necessity has been issued.

The balance sheet of Elk Grove Water Works as of December 31, 1955, as shown in the utility's annual report to the Commission for that year shows the total utility plant in service to be \$102,163.84 and the reserve for depreciation to be \$35,303.43, thus indicating a depreciated utility plant of \$66,860.41.

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 that:

1. Marvin Bradley Jones, as executor of the estate of Ira Jones, deceased, may on or before June 30, 1957, transfer the above-described utility properties comprising Elk Grove Water Works to Selma K. Jones pursuant to the provisions of the decree of distribution referred to above.
2. The rates and rules of Ira Jones, deceased, now on file with the Commission shall be refiled under the name of Selma K. Jones, in accordance with the procedure prescribed by General Order No. 96, or in lieu of such refiling, Selma K. Jones 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. On or before the date of actual transfer, Marvin Bradley Jones, as executor of the estate of Ira Jones, 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 Selma K. Jones.
4. On or before the date of actual transfer, Marvin Bradley Jones, as executor of the estate of Ira Jones, deceased, shall transfer and deliver to Selma K. Jones, and the latter shall receive and preserve all records, memoranda and papers pertaining to the operation of Elk Grove Water Works.
5. If the authority herein granted is exercised, Marvin Bradley Jones, as executor of the estate of Ira Jones, 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 his compliance with the terms hereof.
6. Upon due compliance with all the conditions of this order, said Marvin Bradley Jones, as executor of the estate of Ira Jones, deceased, shall stand relieved of all further public utility obligations in connection with 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 22nd day of JANUARY, 1957.

Paul J. Brennan President
William J. ...
R. H. ...
 Commissioners