

ORIGINAL

Decision No. 54484

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROY G. ORR and MABEL ORR, his wife, P. O. Box 605, Rodeo, California, JOSEPH A. LIBERMAN and LYDIA J. LIBERMAN, his wife, 1440 Sloat Blvd., San Francisco, California, DAVID A. OPPENHEIM and KATHERINE B. OPPENHEIM, his wife, 5616 Ludwig Avenue, El Cerrito, California, and RUBEN R. JANZ and KAY E. JANZ, his wife, 2500 Gaynor Avenue, Richmond, California.

Application No. 38531 (As Amended)

OPINION AND ORDER

Roy G. Orr and Mabel Orr, doing business as Major Vista Water Utility, ^{1/} by application filed October 24, 1956, seek authority to sell the physical assets of their public utility water system to Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz, copartners, ^{2/} which join in the application.

Sellers were granted a certificate of public convenience and necessity to operate a public utility water system by this Commission by its Decision No. 50119 issued June 6, 1954, in Application No. 35342. Water is furnished by them to approximately 46 customers for residential purposes in the unincorporated community known as Major Vista Subdivision, Yolo County.

Under the terms of an agreement dated September 1, 1956, a copy of which is attached to the application as "Exhibit D", Sellers propose to sell to Buyers all of their public utility water system properties for the total price of \$23,301.67. Of the total price, the sum of \$21,880.58 has heretofore been paid in cash. The balance of

^{1/} Sometimes herein called Sellers.
^{2/} Sometimes herein called Buyers.

\$1,421.09 is to be paid by Buyers' assumption of Sellers' indebtedness to Food Machinery and Chemical Company in the amount of \$1,421.09 payable on or before June 15, 1957.

Sellers' annual report to the Commission for the year 1955 and the balance sheet of Sellers, dated December 31, 1955, attached to the application as Exhibit "B", both show the total utility plant to be \$24,157.23 and a reserve for depreciation of \$855.58, thus indicating a depreciated utility plant of \$23,301.65 for the water system properties proposed to be transferred.

The application states that Sellers desire to retire from ownership of the utility and have conveyed all of their interest in the real property known as Major Vista Subdivision to Buyers and that the latter are continuing to subdivide the property and propose to assume the maintenance and operation of the water system and, in order to continue the development of the unimproved property in the Major Vista Subdivision, to extend and carry on the operation of the water system.

From an investigation by an engineer of the Commission staff it is indicated that Buyers are capable of financing the acquisition of the subject water system and of continuing its operation as a public utility.

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. Roy G. Orr and Mabel Orr, on or after the effective date hereof and on or before June 30, 1957, may sell and transfer all of their public utility water properties referred to herein, known as Major Vista Water Utility, to Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz, copartners, pursuant to the terms of the proposed agreement, a copy of which is attached to the application as "Exhibit D".

2. The rates and rules of Roy G. Orr and Mabel Orr, doing business as Major Vista Water Utility, now on file with the Commission, shall be refiled within thirty days after the date of actual transfer under the name of Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz, copartners, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refileing, said copartners may file a notice of adoption of said presently filed rates and rules. No increases in presently filed rates and rules shall be made unless authorized by this Commission.

3. On or before the date of actual transfer, Roy G. Orr and Mabel Orr shall refund all deposits and advances for construction which are subject to refund. Any unrefunded deposits and advances for construction shall be transferred to and become the obligation for refund of Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz, copartners.

4. If the authority herein granted is exercised, Roy G. Orr and Mabel Orr shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized.

5. On or before the date of actual transfer, Roy G. Orr and Mabel Orr shall transfer and deliver to Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and

Ruben R. Janz and Kay E. Janz, copartners, and the latter shall receive and preserve all records, memoranda, and papers pertaining to the construction and operation of the properties hereinabove authorized to be transferred.

6. Upon due compliance with all the conditions of this order, said Roy G. Orr and Mabel Orr 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.

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

Dated at San Francisco, California, this 5th day of FEBRUARY, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners