

**ORIGINAL**

Decision No. 54983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN F. BERRYMAN,  
 B. M. BERRYMAN, CARL L. DAMSEN,  
 and LAURA J. DAMSEN of Visalia,  
 California, for authority for  
 JOHN F. BERRYMAN and B. M.  
 BERRYMAN, to sell to CARL L.  
 DAMSEN AND LAURA J. DAMSEN, all  
 of their right, title and interest  
 in the water system now owned and  
 operated by the parties near the  
 City of Visalia, County of Tulare,  
 State of California, and to transfer  
 Certificate of public convenience  
 and necessity. )

) Application No. 38871

OPINION AND ORDER

By this application, filed on March 2, 1957, John F. Berryman, B. M. Berryman, Carl F. Damsen and Laura J. Damsen<sup>1/</sup>, seek authority for John F. Berryman and B. M. Berryman<sup>2/</sup> to sell all their interest in the public utility water system known as Berrysen Water Co., located approximately 1 mile west of Visalia, Tulare County, to Carl F. Damsen and Laura J. Damsen<sup>3/</sup>.

A certificate of public convenience and necessity to construct and operate the subject water system was granted to applicants by Decision No. 48785, issued July 7, 1953, in Application No. 34112. Water is furnished by applicants to approximately 49 customers for residential purposes in an unincorporated community known as Tract No. 179, Tulare County.

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<sup>1/</sup> Sometimes herein referred to as Applicants.  
<sup>2/</sup> Sometimes herein referred to as Sellers.  
<sup>3/</sup> Sometimes herein referred to as Buyers.

According to the application, Sellers propose to sell all of their interest in the above-mentioned public utility water system properties, and Buyers to purchase the properties, under the following terms and conditions. The consideration for the sale is to be the sum of \$5,000 of which \$4,375 is to be paid in cash, and the remaining \$625 is to be paid by the transfer from the other three applicants to John F. Berryman, as his separate property, <sup>of</sup> an undivided one-half interest in certain real property which is described in the application. In addition, John F. Berryman is to receive one-half of the cash on hand in said business as of December 1, 1956, after computing the estimated expenses of this transfer. B.S.M.

Applicants' annual report to the Commission for the year 1956 shows the total utility plant at the end of that year to be \$9,041.74 and a reserve for depreciation of \$1,304.48, thus indicating a depreciated utility plant of \$7,737.26 for the water system properties. A somewhat larger amount of utility plant is shown in applicants' balance sheet, as of November 30, 1956, attached to the application as Exhibit "A", in which the total utility plant is stated to be \$10,017.77 and a corresponding reserve for depreciation of \$1,304.48, indicating a depreciated utility plant of \$8,713.29 for the water system properties.

The application states that Sellers desire to dispose of their interest in said water system for the reason that John F. Berryman has changed his marital status and residence.

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) John F. Berryman and B. M. Berryman, on or after the effective date hereof and on or before October 31, 1957, may sell and transfer all of their interest in the public utility water properties referred to herein, known as Berrysen Water Co., to Carl F. Damsen and Laura J. Damsen, pursuant to the terms and conditions stated in the application.

(2) The rates and rules of John F. Berryman, B. M. Berryman, Carl L. Damsen and Laura J. Damsen, doing business as Berrysen Water Co., now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the name of Carl F. Damsen and Laura J. Damsen, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refileing, said Carl F. Damsen and Laura J. Damsen 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, John F. Berryman, B. M. Berryman, Carl F. Damsen, and Laura J. Damsen 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 Carl F. Damsen and Laura J. Damsen.

(4) If the authority herein granted is exercised, John F. Berryman and B. M. Berryman shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the transfer herein authorized.

(5) On or before the date of actual transfer, applicants shall transfer and deliver to Carl F. Damsen and Laura J. Damsen, 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 John F. Berryman and B. M. Berryman 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 thereof.

Dated at San Francisco, California, this 14th day of MAY, 1957.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]

Commissioners