

**ORIGINAL**Decision No. 55582

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SAM FINGERHUT and RAE G. FINGERHUT, )  
 husband and wife, individuals, to )  
 sell their water system known as the )  
 GREENFIELD PARK WATER COMPANY, to ) Application No. 39198  
 the GREENFIELD COUNTY WATER DISTRICT, )  
 under Section 851 of the Public )  
 Utilities Code. )

OPINION AND ORDER

By this application filed July 3, 1957, Sam Fingerhut and Rae G. Fingerhut,<sup>1</sup> seek authority from the Commission to sell all the assets of their public utility water system, known as Greenfield Park Water Company, to Greenfield County Water District,<sup>2</sup> which joins in the application. Sellers also ask to be relieved of their public utility obligation.

Under the terms of an option agreement executed on October 15, 1956, a copy of which is attached to the application as Exhibit B, Sellers have given District an option to purchase the real and personal property comprising the water system and also a parcel of land described in the agreement, for the sum of \$8,500 plus the cost of any necessary capital improvements made by Sellers since October 15, 1956. The purchase price is to be paid from proceeds of bonds which have been sold by District.

A certificate of public convenience and necessity to operate the public utility water system proposed to be transferred

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1 Sometimes herein called Sellers.  
 2 Sometimes herein called District.

herein was granted to Sellers by the Commission in its Decision No. 50860, dated December 14, 1954, in Application No. 35580. Water is served to customers in an area known as Tract 1092 and the adjoining area known as Hudson Acres, both located west of U. S. Highway 99, about 7 miles south of Bakersfield in Kern County.

The utility's annual report to the Commission for the year ending December 31, 1956, a copy of which is attached to the application as Exhibit A, shows total utility plant amounting to \$6,756 and a depreciation reserve of \$2,893, indicating a depreciated utility plant of \$3,863.

The application states that District was organized under the laws pertaining to county water districts and includes within its boundaries the territory now being served by Sellers.

The reasons given for the proposed transfer are that the majority of water consumers in District's area have voted to form a county water district and more than two thirds of the voters in District's area have voted to sell bonds to pay for Sellers' and other water systems operating in the area and that it appears to be in the best interest of the water users that the sale be consummated under the agreement of purchase and sale entered by Sellers and District.

It is stated in the application that Sellers do not have any customers' deposits or advances for construction outstanding.

The action taken herein shall not be construed to be a finding of 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 ORDERED that:

1. Sam Fingerhut and Rae G. Fingerhut may on or after the effective date hereof and on or before March 31, 1958, sell and transfer their public utility properties to Greenfield County Water District substantially in accordance with the terms of the agreement, a copy of which is attached to the application.

2. On or before the date of transfer, Sam Fingerhut and Rae G. Fingerhut shall refund all customers' deposits which customers are entitled to have refunded, if any, and within thirty days thereafter shall notify this Commission in writing of the completion of such refunding.

3. Sam Fingerhut and Rae G. Fingerhut shall, within thirty days after the date of actual transfer, file with this Commission a verified statement showing all obligations to make refunds of advances for construction, if any, the amounts thereof, and in whose favor such obligations exist as of the date of transfer.

4. If the authority herein granted is exercised, Sam Fingerhut and Rae G. Fingerhut shall within thirty days thereafter notify this Commission in writing of the date of such completion of the property transfer herein authorized and of their compliance with the terms hereof.

5. Upon due compliance with all the conditions of this order, said Sam Fingerhut and Rae G. Fingerhut, shall stand relieved of all

further public utility obligations and liabilities in connection with the water system herein authorized to be transferred.

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

Dated at Los Angeles, California, this 24<sup>th</sup> day of September, 1957.

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