

ORIGINALDecision No. 56352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
M. C. RICHARDSON and HENRIETTA)
RICHARDSON, his wife, a copartnership)
doing business under the firm name and)
style of LEMON COVE WATER COMPANY, and)
CLAUD ROUCH, JR., and PATRICIA ANN ROUCH,) Application No. 39773
his wife, for an Order Authorizing the)
sale of Lemon Cove Water Company to Claud)
Rouch, Jr., and Patricia Ann Rouch, his)
wife.)

OPINION AND ORDER

M. C. Richardson and Henrietta Richardson, his wife, a copartnership doing business as Lemon Cove Water Company,^{1/} by this application filed January 31, 1958, seek authority to sell their public utility water system to Claud Rouch, Jr. and Patricia Ann Rouch, his wife,^{2/} who join in the application.

The water system proposed to be transferred is located in the unincorporated community of Lemon Cove, Tulare County. The system was established prior to 1912; no certificate of public convenience and necessity authorizing its operation has been applied for nor granted by this Commission. Records of the Commission indicate that the system was purchased by the present owners in 1947 pursuant to authority granted by this Commission in Decision No. 41035, dated December 17, 1947, in Application No. 28868. At the end of 1956 the system served approximately 35 customers.

1/ Sometimes herein called Sellers.

2/ Sometimes herein called Purchasers.

The properties proposed to be transferred consist of pipe lines of various sizes, two parcels of land, a residential dwelling, a well, together with the necessary pumping and pressure equipment, and certain other assets. Under the terms of the agreement, Sellers propose to sell the properties described in the form of deed and bill of sale attached to the application as Exhibits "C" and "D" for a cash consideration of \$5,000.

The application states that Sellers desire to sell the water system for the reason that their other business activities require that they move their residence to another location. Exhibit "B" attached to the application is a financial statement of Purchasers and shows a net worth of \$81,611.75 as of May 31, 1957. It has been concluded from an investigation by an engineer of the Commission's staff that Purchasers are capable of acquiring the water system and 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. M. C. Richardson and Henrietta Richardson may, on or after the effective date hereof and on or before September 30, 1958, sell

and transfer the public utility water system properties referred to herein, known as Lemon Cove Water Company, to Claud Rouch, Jr. and Patricia Ann Rouch, pursuant to the terms and conditions set forth in the application.

2. The rates of M. C. Richardson and Henrietta Richardson now on file with the Commission shall be filed within thirty days after the date of actual transfer under the names of Claud Rouch, Jr. and Patricia Ann Rouch, together with rules governing customer relations revised to reflect present-day operating practices and a tariff service area map, acceptable to this Commission, and all in accordance with the procedure prescribed by General Order No. 96. Such rates, rules and tariff service area map shall become effective upon five days' notice to the Commission and to the public after filing as hereinabove provided. No increase in the presently filed rates and rules shall be made unless otherwise properly authorized by the Commission.

3. On or before the date of actual transfer, M. C. Richardson and Henrietta Richardson shall refund all customers' deposits and all advances for construction, if any, which are subject to refund. Any such unrefunded deposits and advances shall be transferred to and become the obligation for refund of Claud Rouch, Jr. and Patricia Ann Rouch.

4. On or before the date of actual transfer, M. C. Richardson and Henrietta Richardson shall transfer and deliver to Claud Rouch, Jr. and Patricia Ann Rouch, 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.

5. If the authority herein granted is exercised, M. C. Richardson and Henrietta Richardson shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of its compliance with the conditions hereof.

6. Upon due compliance with all the conditions of this order, M. C. Richardson and Henrietta Richardson 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 17th day of March, 1958.

[Signature]

President

[Signature]

[Signature]

[Signature]

Commissioners