

Decision No. 57013**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROBERT E. A. MICHELSEN)
 as Administrator of the Estate of)
 EMERY G. THOMPSON, also known as)
 EMERY GARNESS THOMPSON, also known as)
 E. G. THOMPSON, deceased, doing)
 business as BEN LOMOND REDWOOD PARK)
 WATER COMPANY, to distribute under)
 the Decree of Distribution, and)
 ROBERT E. A. MICHELSEN to receive)
 distribution of BEN LOMOND REDWOOD)
 PARK WATER COMPANY, located near the)
 Town of Ben Lomond, County of Santa)
 Cruz, State of California.)

Application No. 40178

OPINION AND ORDER

By this application, filed June 14, 1958, Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, doing business as Ben Lomond Redwood Park Water Company, requests authority to transfer the assets of the water system to Robert E. A. Michelsen, an individual, as distributee under a Decree of Final Distribution rendered in a probate proceeding on November 1, 1957, by the Superior Court in and for the County of Santa Cruz. A conformed copy of the decree is attached to the application.

The water system proposed to be transferred was acquired by Emery G. Thompson pursuant to authority granted by this Commission in its Decision No. 28430 dated December 9, 1935 in Application No. 19885. The utility serves the unincorporated communities of Ben Lomond Redwood Park, Rowardennan Redwood Park, Ben Lomond Terrace, and vicinity, south of the community of Ben Lomond, Santa Cruz County. The operations of this water system were commenced prior to 1912 and no certificate of public convenience and necessity to operate the public utility water system has ever been requested from or issued by this Commission.

The utility's annual report to the Commission for the year ended December 31, 1957 shows total utility plant of \$16,846.37, a reserve for depreciation of \$3,135.06 and net utility plant of \$13,711.31. The annual report also shows that as of the end of 1957 the utility served approximately 130 customers.

On September 5, 1952, in an action in the Superior Court, Santa Cruz County, Robert E. A. Michelsen was appointed guardian of the person and estate of Emery G. Thompson, an incompetent person. Said Michelsen operated the subject public utility water system as guardian until the death of Emery G. Thompson on February 2, 1954. Subsequently, by action of the same court, Robert E. A. Michelsen was duly appointed administrator of the estate of said Thompson and he has continued to operate the water system.

By the terms of the court's Decree of Final Distribution, the Ben Lomond Redwood Park Water Company and all the assets thereof are to be distributed to Robert E. A. Michelsen, sole heir at law of the decedent. Robert E. A. Michelsen, in his individual capacity, proposes to continue the operation of the subject water system.

The action taken herein shall not be construed as a finding of the value of the water system property 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. Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, may, on or after the effective date hereof and on or before December 31, 1958, transfer the herein-described public utility water system to Robert E. A. Michelsen, as an

individual, pursuant to the document entitled, "Decree of Final Distribution," attached to the application.

2. The rates and rules of Emery G. Thompson, deceased, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the name of Robert E. A. Michelsen in accordance with the procedure prescribed by General Order No. 96, or in lieu of such refileing, Robert E. A. Michelsen may file a notice of adoption of said presently filed rates and rules. No increases in the presently filed rates and rules shall be made unless otherwise authorized by this Commission.

3. On or before the date of actual transfer, Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, 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 Robert E. A. Michelsen, as an individual.

4. If the authority herein granted is exercised, Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, shall, within thirty days thereafter, notify this Commission in writing of the completion of the property transfer herein authorized and of his compliance with the conditions hereof.

5. On or before the date of actual transfer, Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, shall transfer and deliver to Robert E. A. Michelsen, as an individual, and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the subject public utility water system.

6. Upon due compliance with all the conditions of this order, Robert E. A. Michelsen, as administrator of the estate of Emery G. Thompson, deceased, shall stand relieved of all further public utility obligations and liabilities in connection with the operation

of the public utility water system herein authorized to be transferred. Nothing in this order, however, shall be construed as relieving Robert E. A. Michelsen, as an individual, of any obligation or liability in connection with the ownership and operation of the subject public utility water system.

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

Dated at San Francisco, California, this 22nd day of July, 1958.

C. L. Fox
President
John E. ...
Paul ...
Richard ...
Commissioners