

**ORIGINAL**Decision No. 57436

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOSEPH A. LIBERMAN )  
 and LYDIA J. LIBERMAN, his wife, )  
 and DAVID A. OPPENHEIM and )  
 KATHERINE B. OPPENHEIM, his wife, )  
 (MAJOR VISTA WATER COMPANY, Yolo )  
 County, California), to sell and )  
 transfer to JOHN R. MALONE and )  
 JOAN V. MALONE, his wife, and )  
 CLAU A. TORNELL and ALMEDA E. )  
 TORNELL, his wife, said public )  
 utility water system. )

Application No. 40143  
 Amended

OPINION AND ORDER

Joseph A. Liberman and Lydia J. Liberman, his wife,  
 David A. Oppenheim and Katherine B. Oppenheim, his wife, doing busi-  
 ness as Major Vista Water Utility, by application filed June 2,  
 1958, seek authority from the Commission to sell and transfer their  
 public utility water system to John R. Malone and Joan V. Malone,  
 his wife, and Claus A. Tornell and Almeda E. Tornell, his wife.  
 By amendment filed August 21, 1958 Ruben (sometimes also referred  
 to in this proceeding as Reuben or Rueben) R. Janz and Kay E. Janz,  
 his wife, also seek authority from the Commission to sell and  
 transfer their interest in the subject public utility water system  
 to Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim  
 and Katherine B. Oppenheim. All parties to the proceeding have  
 joined in the application.

Joseph A. Liberman and Lydia J. Liberman, David A.  
 Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E.  
 Janz, copartners, acquired the subject water system from the origi-  
 nal owners, Roy G. Orr and Mabel Orr, under authority granted by

Decision No. 54484, dated February 5, 1957, in Application No. 38531. The amendment to the application herein states that on January 11, 1958 Ruben R. Janz and Kay E. Janz executed a quitclaim deed for the purpose of transferring their interest in the subject public utility water system, together with other assets and properties, to Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim for a cash consideration of \$1,000. The terms of this transaction are set forth in an instrument entitled "Quitclaim Deed, Mutual Release Agreement", a copy of which is attached to the amendment to the application. Authorization from this Commission has not heretofore been sought for the transfer provided for in the reference instrument.

The terms and conditions of the proposed transfer from Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim to John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell are set forth in an instrument entitled "Agreement of Sale", a copy of which is attached to the application as Exhibit A. By letter dated July 1, 1958, John R. Malone has informed this Commission that, although the water system is proposed to be transferred in conjunction with other properties which involve certain notes and deeds of trust, the consideration for the transfer of the water system to his group is to be the sum of \$23,438.58 in cash. The properties to be conveyed comprise all the physical assets of the water system and include source of supply plant, wells, pumping equipment, mains and other water system facilities.

The utility's annual report to the Commission for the year ended December 31, 1957 shows total utility plant of \$26,150.79 and a depreciation reserve of \$2,898.03, indicating a net utility plant of \$23,252.76.

The water system proposed to be transferred herein serves the unincorporated area known as Major Vista Subdivision, located approximately one-quarter mile west of the City of Winters, Yolo County. A certificate of public convenience and necessity to construct and operate this water system was granted to the original owners, Roy G. Orr and Mabel Orr, by Decision No. 50119, dated June 7, 1954, in Application No. 35342. Commission records indicate that as of the end of 1957 the utility furnished water service to approximately 63 customers.

The reasons given for the proposed transfers are that the several sellers, having conveyed all of their interest in the real property known as Major Vista Subdivision, desire to retire from the ownership of the utility and that John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell, having acquired the Major Vista Subdivision properties, state that they propose to carry on the operation of the utility and to continue the development of the unimproved property in the reference subdivision. It has been concluded from an investigation by an engineer of the Commission's staff that the latter named 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 transfers will not be adverse to the public interest, that a public hearing is not necessary, and that the application as amended should be granted; therefore,

IT IS HEREBY ORDERED that:

1. Ruben R. Janz and Kay E. Janz may, on or after the effective date hereof and on or before March 31, 1959, sell and transfer their interest in the hereinabove described public utility water system, known as Major Vista Water Utility, to Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim substantially in accordance with the terms and conditions set forth in a document entitled "Quitclaim Deed, Mutual Release Agreement", a copy of which is attached to the amendment to the application.

2. Concurrent with the actual transfer made under the authority contained in paragraph 1, above, Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim may sell and transfer the herein described public utility water system, known as Major Vista Water Utility, to John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell substantially in accordance with the terms and conditions set forth in the document entitled "Agreement of Sale", a copy of which is attached to the application as Exhibit A.

3. The rates and rules of Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz, doing business as Major Vista Water Utility, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer to John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell under their names in accordance with the procedure prescribed by General Order No. 96, or in lieu of such refiling John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell 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 authorized by this Commission.

4. On or before the date of actual transfer to John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell, Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz shall refund all customers' deposits and all advances for construction which are subject to refund, if any. Any such unrefunded deposits and advances shall be transferred to and become the obligation for refund of John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell.

5. If the authorities herein granted are exercised, Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfers herein authorized and of their compliance with the conditions hereof.

6. On or before the date of actual transfer of the physical properties herein authorized to John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell, Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz shall transfer and deliver to said transferees and said transferees shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the subject public utility water system.

7. Upon due compliance with all the conditions of this order, Joseph A. Liberman and Lydia J. Liberman, David A. Oppenheim and Katherine B. Oppenheim, and Ruben R. Janz and Kay E. Janz 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.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of October, 1958.

E. L. Fox  
President  
J. E. Mitchell  
Paula Westar  
William J. Hall  
Therese J. Jensen  
Commissioners