

ORIGINAL

Decision No. 58074

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
the Estate of JULIA E. WILSON, }
Deceased, Proceeding No. 10774, }
Superior Court of the State of }
California, In and For the County }
of Tulare, doing business as the }
Wilson Water System, for an order }
authorizing the sale of the assets }
of the said Wilson Water System to }
the Earlimart Public Utility }
District, a public utility district. }

Application No. 40767

OPINION AND ORDER

The estate of Julia E. Wilson, ^{1/} doing business as Wilson Water System, by application filed January 22, 1959, seeks authority to sell and transfer its public utility water system to Earlimart Public Utility District, ^{2/} which joins in the application.

The subject water system is located in the unincorporated community of Earlimart, Tulare County. Commission records indicate that the utility served approximately 400 customers as of the end of the year 1957.

The terms and conditions of the proposed transfer are set forth in an instrument entitled "Order Confirming Sale of Real and Personal Property as a Unit", which is attached to the application as Exhibit C. This order, dated August 4, 1958, was issued in the Superior Court of the State of California in and for the County of Tulare.

1/ Sometimes hereinafter called "Seller".

2/ Sometimes hereinafter called "District".

The consideration for the transfer is to be the sum of \$35,000; \$10 upon confirmation of the sale and \$34,990 to be paid into escrow on or before March 1, 1959, with instructions that said sum is to be paid to Seller upon approval of the sale by this Commission and upon delivery to District of a policy of title insurance.

The application states that District desires to acquire Seller's water system and all other water systems now existing and operating within its boundaries, with the intention of integrating and improving them, and that it expects to expend approximately \$85,000 for such project, exclusive of acquisition costs. It is stated that such improvements would be for the general benefit of inhabitants of the area, but could not be financed by Seller.

The application states that all but two of Seller's customers are within District's boundaries and that District is willing to continue serving these two customers at the same price for equivalent service inside the District, together with an in lieu of tax charge equivalent to any taxes levied within the District occasioned by water service.

The subject water system was granted a certificate of public convenience and necessity by Decision No. 30990, dated June 20, 1938, in Application No. 21900, and has operated as a public utility since that time.

The utility's annual report to the Commission for the year 1957 shows utility plant in the amount of \$40,950.56, and depreciation reserve in the amount of \$14,925.54, indicating net utility plant in the amount of \$26,025.02.

Applicant requests that prompt attention be given this application so that District may proceed with its contemplated improvements within the framework of its bond proceedings and bond commitments. For this reason the authority herein granted will become effective five days after the date hereof.

The action taken herein shall not be construed to be a finding of the value of the 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. The estate of Julia E. Wilson may, on or after the effective date hereof and on or before August 31, 1959, transfer the herein-described public utility property to Earlimart Public Utility District in accordance with the terms and conditions set forth in the instrument entitled "Order Confirming Sale of Real and Personal Property as a Unit", a copy of which is attached to the application herein.

2. The estate of Julia E. Wilson shall, on or before the date of actual transfer of its public utility water system properties to Earlimart Public Utility District, refund all customers' deposits and advances for construction which are subject to refund, if any, and within thirty days thereafter, notify this Commission in writing of the date of the completion of such refunding.

3. If the authority herein granted is exercised, the estate of Julia E. Wilson 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 thereof.

4. Upon due compliance with the conditions of this order, the estate of Julia E. Wilson shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the public utility properties herein authorized to be transferred.

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

Dated at San Francisco, California, this 20th day of March, 1959.

J. Lynn Fox
President

Frederick Deiner
Everett J. Page
Commissioners