

Decision No. 58349**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|                                       |                       |
|---------------------------------------|-----------------------|
| In the Matter of the Application of ) |                       |
| P. S. Barker, dba Felicita Water )    |                       |
| Service, for authority to transfer )  | Application No. 40902 |
| his certificate of public con- )      |                       |
| venience and necessity and water )    |                       |
| system to Philip S. Barker, Jr. )     |                       |

OPINION AND ORDER

P. S. Barker and Mary A. Barker, doing business as Felicita Water Service, by this application filed March 5, 1959, seek authorization to transfer their public utility water system to Philip S. Barker, Jr., who joins in the application.

The subject water system serves unincorporated territory in the Oaks Tract, Rancho San Bernardo, located approximately three miles south of Escondido, San Diego County. The application states that the utility served approximately 40 customers as of February 18, 1959.

The water system was established pursuant to a certificate of public convenience and necessity granted to P. S. Barker by Decision No. 42950, dated June 1, 1949, in Application No. 30157.

The utility's annual report to the Commission for the year ending December 31, 1957, shows, as of that date, utility plant in the amount of \$27,470.54 and depreciation reserve in the amount of \$8,768.80, indicating net utility plant of \$18,701.74.

The application states that the proposed transfer is to be by gift, in consideration of love and affection. The terms of the transfer are set forth in an instrument entitled "Grant Deed", dated December 29, 1958, a copy of which is attached to the application.

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. P. S. Barker and Mary A. Barker may, on or after the effective date hereof and on or before October 31, 1959, transfer their public utility water system, known as Felicita Water Service, to Philip S. Barker, Jr., in accordance with the terms and conditions set forth in the instrument entitled "Grant Deed", a copy of which is attached to the application herein, and which is made a part of this order by reference.

2. On or before the date of actual transfer, P. S. Barker and Mary A. Barker shall refund all customers' deposits and 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 Philip S. Barker, Jr.

3. The tariff schedules of P. S. Barker and Mary A. Barker, now on file under the name of P. S. Barker, shall be refiled within thirty days from the date of actual transfer under the name of Philip S. Barker, Jr., in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refiling, Philip S. Barker, Jr., may file a notice of adoption of said presently filed tariff schedules. No increases in the presently filed rates and charges shall be made unless otherwise properly authorized by this Commission.

4. If the authority herein granted is exercised, P. S. Parker and Mary A. Barker shall, within thirty days thereafter, notify this Commission in writing of the date of completion of the property transfer herein authorized and of their compliance with the conditions hereof.

5. On or before the date of the actual transfer of the physical properties herein authorized, P. S. Barker and Mary A. Barker shall transfer and deliver to Philip S. Barker, Jr., and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the properties herein authorized to be transferred.

6. Upon due compliance with all of the conditions of this order, P. S. Barker and Mary A. Barker 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 5th day of May, 1959.

E. Lyn Fox  
President  
W. E. D. [unclear]  
W. [unclear]  
Theodore H. [unclear]  
Commissioners