

ORIGINAL

Decision No. 58829

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Application No. 41130

OPINION AND ORDER

By this application filed May 11, 1959, John R. Malone and Joan V. Malone, his wife, and Claus A. Tornell and Almeda E. Tornell, his wife,¹ seek authority to sell and transfer their public utility water system, known as Major Vista Water Utility, to Joseph A. Liberman and Lydia J. Liberman, his wife, and David A. Oppenheim and Katherine B. Oppenheim, his wife,² who join in the application.

According to the application, the utility serves approximately 63 customers in an unincorporated area known as Major Vista Subdivision, located approximately ½ mile west of the City of Winters, Yolo County. 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.

Commission records indicate that the system was established pursuant to a certificate of public convenience and necessity granted to Roy G. and Mabel Orr by Decision No. 50119, dated June 7, 1954, in Application No. 35342. Subsequently, under authority granted by Decision No. 54484, dated February 5, 1957, in Application No. 38531,

1 Sometimes herein called Sellers.
2 Sometimes herein called Buyers.

the system was sold to Ruben R. Janz and Kay E. Janz and Buyers herein. By a later transaction, authorized by Decision No. 57436, dated October 7, 1958, in Application No. 40143, the interest of Ruben R. and Kay E. Janz was acquired by Buyers who then transferred ownership to the present owners.

The terms and conditions of the proposed conveyance of the water system from Sellers to Buyers are set forth in an instrument entitled "Agreement of Sale", a copy of which is attached to the application as Exhibit A. The properties proposed to be transferred include source of supply plant, wells, pumping equipment, mains and other water system facilities. By letter received June 8, 1959, David A. Oppenheim has informed this Commission that, although the water system is proposed to be transferred in conjunction with other properties which involve certain notes and trust deeds, the consideration for the transfer of the utility properties is to be \$23,438.58 in cash.

The reason given for the proposed transfer is that Sellers have conveyed all of their interest in the Major Vista Subdivision to Buyers who plan to continue the development of the subdivision and propose to carry on the operations of the 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. John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell, may, on or after the effective date hereof

and on or before December 31, 1959, sell and transfer the herein 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 in accordance with the terms and conditions set forth in the instrument entitled "Agreement of Sale", a copy of which is attached to the application as Exhibit A.

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

3. On or before the date of actual transfer, John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell 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 and become the obligation for refund of Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim.

4. If the authority herein granted is exercised, John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of their compliance with the conditions hereof.

5. On or before the date of actual transfer of the physical properties herein authorized, John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell shall transfer and deliver to Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim, 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 the conditions of this order, John R. Malone and Joan V. Malone, and Claus A. Tornell and Almeda E. Tornell 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 27th day of July, 1959.

Ernest R. Fazio
President
Michael J. ...
Theodore ...

Commissioners