

ORIGINAL

Decision No. 58950

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of MRS. B. A. WHITENER and MANUEL)	
MADRID and DOLORES MADRID for an)	
order authorizing the sale of the)	Application No. 41275
properties and water rights of)	
the WHITENER HEIGHTS WATER CO.,)	
applicants.)	

OPINION AND ORDER

Mrs. B. A. Whitener^{1/}, also sometimes known as Beulah A. Whitener, doing business as Whitener Heights Water Company, by application filed July 6, 1959, seeks authorization to sell and transfer her public utility water system to Manuel Madrid and Dolores Madrid^{2/}, who join in the application.

The subject water system serves the unincorporated area known as Whitener Heights Subdivision, located approximately three-quarters of a mile west of the City of Parlier, Fresno County. Commission records indicate that the utility served approximately 30 customers as of December 31, 1958.

The system was established pursuant to a certificate of public convenience and necessity granted to Charles P. Whitener and Beulah A. Whitener by Decision No. 42108, dated October 5, 1948, in Application No. 29358. Since the death of Charles P. Whitener in 1952, the system has been operated by Beulah A. Whitener. In an instrument entitled "Order and Decree of Final Distribution", dated May 5, 1954, a copy of which is attached to the application, the

^{1/} Sometimes hereinafter called "Seller".

^{2/} Sometimes hereinafter called "Purchasers".

estate of Charles P. Whitener, including the subject water system, was distributed to Beulah A. Whitener, the seller herein. Authorization of this transfer has not heretofore been sought of the Commission.

The terms and conditions of the proposed transfer are set forth in an instrument entitled "Agreement of Purchase and Sale", dated September 10, 1958, a copy of which is attached to the application as Exhibit "A". The consideration for the transfer is to be the sum of \$2,750 and the sale is contingent upon Commission authorization.

The application states that the consummation of this transfer is for the best interest and benefit of the public since Seller is not able prospectively to devote her full time and attention to the operation of the system, but that Purchasers will be able and willing to devote such time and attention to the operation of the system as is needed properly to serve the public.

The utility's annual report to the Commission for the year ended December 31, 1958, shows as of that date utility plant in the amount of \$2,755 which, according to the report, is fully depreciated.

Based upon an investigation by the Commission's staff, it appears that Purchasers are capable of acquiring the water system and continuing its operation as a public utility. A financial statement of Manuel and Dolores Madrid, dated July 3, 1959, is attached to the application as Exhibit "C".

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 transfer of the public utility water system, known as Whitener Heights Water Company, to Beulah A. Whitener, also sometimes known as Mrs. B. A. Whitener, under the terms of the instrument entitled "Order and Decree of Final Distribution", dated May 5, 1954, a copy of which is attached to the application, is hereby authorized.

2. Beulah A. Whitener may, on or after the effective date hereof and on or before January 31, 1960, transfer her public utility water system, known as Whitener Heights Water Company, to Manuel Madrid and Dolores Madrid in accordance with the terms and conditions set forth in an instrument entitled "Agreement of Purchase and Sale", dated September 10, 1958, a copy of which is attached to the application as Exhibit "A".

3. The rates and rules of Beulah A. Whitener, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the names of Manuel Madrid and Dolores Madrid, in accordance with the procedure prescribed by General Order No. 96, or, in lieu of such refiling, Manuel Madrid and Dolores Madrid 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 properly authorized by this Commission.

4. On or before the date of actual transfer, Beulah A. Whitener 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 Manuel Madrid and Dolores Madrid.

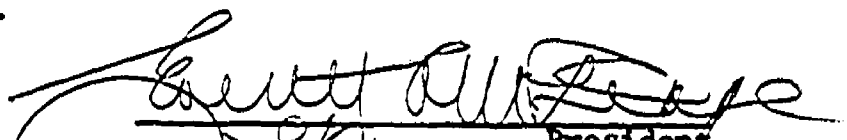
5. On or before the date of actual transfer, Beulah A. Whitener shall transfer and deliver to Manuel Madrid and Dolores Madrid, and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the properties herein authorized to be transferred.


6. If the authority herein granted is exercised, Beulah A. Whitener shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of her compliance with the conditions hereof.


7. Upon due compliance with all of the conditions of this order, Beulah A. Whitener 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.

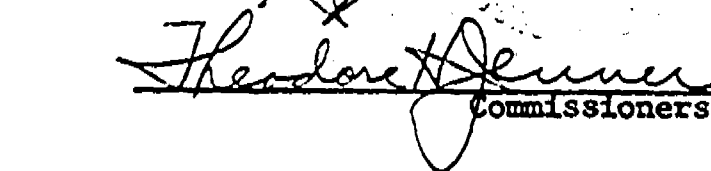
Dated at San Francisco, California, this 14th day of September, 1959.



President








Commissioners