

ORIGINAL

Decision No. 58979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SUSIE M. DONAGHY,
doing Business as the DONAGHY
WATER COMPANY and SONOMA WATER
& IRRIGATION COMPANY for
authorization to enter into an
Agreement for the sale of the
assets of the DONAGHY WATER
COMPANY including its franchise
to the SONOMA WATER & IRRIGATION
COMPANY.

Application No. 41454

OPINION AND ORDER

This is an application for an order of the Commission authorizing Susie M. Donaghy, doing business as Donaghy Water Company, to transfer water works facilities to Sonoma Water & Irrigation Company.

The application shows that Susie M. Donaghy is engaged in the sale and distribution of water to approximately 90 consumers in the Glen Ellen area of Sonoma Valley; that she now desires to withdraw from her public utility operations; and that she has made arrangements to transfer her operations to Sonoma Water & Irrigation Company, a corporation presently engaged in the sale and distribution of water in Sonoma Valley. The facilities to be transferred include all mains, pipes, service laterals, meters, valves, fittings, one booster pump and one submersible pump, franchise or operative right, rights-of way, easements and licenses. The agreed price is \$4,000.

There are excluded from the transfer certain real property, wells, a turbine pump, a storage tank and a pressure tank. Susie M. Donaghy, as further consideration for the sale of the other assets, has agreed to lease the wells, turbine pump and tanks to Sonoma Water & Irrigation Company for a term of six months from the closing date, without charge, together with the necessary easements, rights-of-way and licenses of egress and ingress.

From information before the Commission, it appears that Sonoma Water & Irrigation Company is in a position to finance the cost of the acquisition and improvement of the properties and we are of the opinion, and so find, that the proposed transfer will not be adverse to the public interest and that the application should be granted by an ex parte order, therefore,

IT IS HEREBY ORDERED as follows:

1. Susie M. Donaghy, on and after the effective date hereof and on or before December 31, 1959, may transfer to Sonoma Water & Irrigation Company the water works facilities, operative right, rights-of-way, easements and licenses, as set forth in the Agreement of Sale filed in this proceeding as Exhibit A, and may lease to Sonoma Water & Irrigation Company the wells, turbine pump, storage tank and pressure tank, as set forth in said agreement.

2. Sonoma Water & Irrigation Company, on or after the date of actual transfer, is authorized and directed to charge in the service area acquired under the authorization herein granted the rates presently being charged by Susie M. Donaghy and to apply in said service area its own rules which are now on file

with the Commission. If it acquires the hereinabove described properties, it shall, within thirty days thereafter, file the rates authorized herein and shall revise its presently effective tariff schedules for its water system to provide for the application of its rules and said rates in the service area being acquired herein, together with a revised tariff service area map acceptable to the Commission, and in accordance with the procedures prescribed by General Order No. 96. Such rates, revised tariff sheets and tariff service area map shall become effective upon five days' notice to the Commission and the public after filing as hereinabove provided.

3. On or before the date of actual transfer, Susie M. Donaghy 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 Sonoma Water & Irrigation Company.

4. On or before the date of actual transfer, Susie M. Donaghy shall transfer and deliver to Sonoma Water & Irrigation Company, 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.

5. If the authority herein granted is exercised, Susie M. Donaghy 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.


6. Upon due compliance with all of the conditions of this order, Susie M. Donaghy 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.

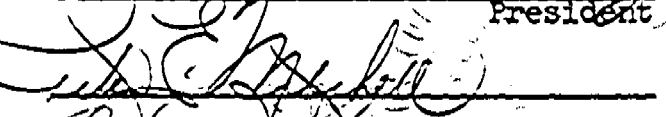
7. The action taken herein shall not be construed to be a finding of value of the properties herein authorized to be transferred.

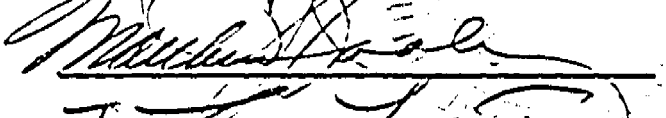
8. Sonoma Water & Irrigation Company, within six months after the date of acquisition of said properties, as required by the Uniform System of Accounts, shall file with the Commission its proposed journal entries to distribute the purchase price to primary plant and other accounts.

9. The authorization herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 1st day of September, 1959.



President




J. C. Fox

Theodore Jenner

Commissioners