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Decision No. 59467

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MIRABEL AMUSEMENT COMPANY to)
sell and VERNON L. BRESSIE and) Application No. 41568
ELIZABETH C. BRESSIE to purchase) (As Amended)
a water utility in Sonoma County)
(Amended Title).)

OPINION AND ORDER

By this application filed October 13, 1959, and amendment filed November 23, 1959, Mirabel Amusement Company, a corporation, seeks authorization to transfer its public utility water system to Vernon L. Bressie and Elizabeth C. Bressie, who join in the application.

The subject water utility serves the unincorporated area known as Mirabel Heights Subdivision, located approximately two miles north of the Town of Forestville, Sonoma County. The utility's annual reports to the Commission indicate that approximately 130 customers were served as of December 31, 1958.

According to Commission records, operations of the subject water system were begun about 1929, by the applicant corporation, for the purpose of supplying water to residents of the above-named subdivision. This service was furnished without charge until November 9, 1953, when the applicant utility was issued a certificate of public convenience and necessity by Decision No. 49225, dated October 20, 1953, in Application No. 34208, and rates were authorized. There have been no other formal matters before this Commission concerning applicant utility.

A copy of the transfer agreement entitled "Offer to Purchase", dated October 9, 1959, is attached to the application as Exhibit B and includes a description of the properties proposed to

be transferred, including lands, easements, and water system facilities. The consideration for the transfer is stated to be \$5.00, "total purchase price", payable upon approval of the transfer by the Commission.

The utility's annual report to the Commission for the year ended December 31, 1958, shows, as of that date, total utility plant in the amount of \$21,615.40 and depreciation reserve in the amount of \$7,350.56, indicating net utility plant of \$14,264.84.

The purchasers presently own and operate a public utility known as Bressie Water System which furnishes water to approximately 70 customers in unincorporated territory, approximately one mile north of Bodega Bay, Sonoma County.

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. On or after the effective date hereof and on or before July 31, 1960, Mirabel Amusement Company, a corporation, may transfer its public utility water system serving the area known as Mirabel Heights Subdivision, Sonoma County, to Vernon L. Bressie and Elizabeth C. Bressie, in accordance with the terms and conditions set forth in Exhibit B of the application.

2. The rates and rules of Mirabel Amusement Company presently on file with this Commission shall be refiled, within thirty days from the date of actual transfer, under the names of Vernon L. Bressie and Elizabeth C. Bressie in accordance with the procedure

prescribed by General Order No. 96, or in lieu of such refiling, Vernon L. Bressie and Elizabeth C. Bressie may file a notice of adoption of said presently filed rates and rules. No increases in the presently filed rates and charges shall be made unless otherwise properly authorized by this Commission.

3. On or before the date of actual transfer, Mirabel Amusement Company 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 Vernon L. Bressie and Elizabeth C. Bressie.

4. On or before the date of actual transfer of the physical properties herein authorized, Mirabel Amusement Company shall transfer and deliver to Vernon L. Bressie and Elizabeth C. Bressie, and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the water system herein authorized to be transferred.

5. If the authority herein granted is exercised, Mirabel Amusement Company shall, within thirty days thereafter, file with this Commission a certified copy of each deed or other instrument of conveyance as executed to effect the transfer of property hereinabove authorized.

6. If the authority herein granted is exercised, Mirabel Amusement Company shall, within thirty days thereafter, notify this Commission in writing of the date of completion of the property transfer herein authorized and of its compliance with the conditions hereof.

7. Upon due compliance with all of the conditions of this order, Mirabel Amusement Company 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 January, 1960.

Everett W. Fox
President
W. E. Mitchell
W. E. Dealy
E. Lynn Fox
Theodore Jenner
Commissioners