

ORIGINAL

Decision No. 60367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 NEILS M. PETERSEN, JR., as sole)
 distributee of the Estate of)
 ELEANORA C. PETERSEN, deceased, of)
 the co-partnership of N. M. PETERSEN)
 and ELEANORA C. PETERSEN (both)
 deceased), dba MOUNTAIN AVENUE WATER)
 COMPANY, for an order granting,)
 among other things, authority to)
 transfer the public utility property)
 known as the MOUNTAIN AVENUE WATER)
 COMPANY to NEILS M. PETERSEN, JR.,)
 applicant and sole distributee of)
 the Estate of ELEANORA C. PETERSEN,)
 deceased, and for a further order,)
 nunc pro tunc, approving the prior)
 transfer of the said utility prop-)
 erty to ELEANORA C. PETERSEN from)
 NEILS M. PETERSEN, deceased.)

Application No. 42223

OPINION AND ORDER

By this application, filed on May 5, 1960, Neils M. Petersen, Jr., as executor and sole heir of the last will and testament of Eleanora C. Petersen, deceased, doing business as Mountain Avenue Water Company, requests authority to transfer the assets of the water system to Neils M. Petersen, Jr., individually, as distributee under a "Judgment of Final Distribution on Waiver of Accounting by Sole Distributee" rendered April 15, 1960, in a probate proceeding by the Superior Court of the State of California in and for the County of Sonoma. A conformed copy of the judgment is attached to the application.

The subject water system was acquired by Eleanora C. Petersen upon the death of her husband, N. M. Petersen, on June 20, 1957, by the means of recordation of previously prepared gift deeds. Authorization from this Commission has not heretofore been sought

for the transfer provided for in the above-mentioned deeds and the application also requests approval of this previous transfer. Since the death of Eleamora C. Petersen in 1958, the system has been managed by Neils M. Petersen, Jr.; the application states that Neils M. Petersen, Jr., intends to continue the operation of the subject water system.

The utility serves the unincorporated community of Boyes Springs and vicinity, Sonoma County. Commission records indicate that, as of the end of 1959, it served approximately 218 customers. The utility's annual report to the Commission for the year ended December 31, 1959, shows utility plant of \$39,540.48 and a depreciation reserve of \$12,567.16, indicating a net utility plant of \$26,973.32. The operations of the water system were commenced prior to 1912 and no certificate of public convenience and necessity to operate the public utility water system has ever been requested from or issued by this Commission.

The action taken herein shall not be construed to be a finding of the value of the water system 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 Mountain Avenue Water Company by N. M. Petersen to Eleanora C. Petersen is hereby authorized.

2. Neils M. Petersen, Jr., as executor of the last will of Eleanora C. Petersen, deceased, may on or after the effective date

hereof and on or before November 30, 1960, transfer the herein described public utility water system to Neils M. Petersen, Jr., as an individual, pursuant to the document entitled "Judgment of Final Distribution on Waiver of Accounting by Sole Distributee" attached to the application.

3. The rates and rules of Neils M. Petersen, Jr., as executor of the last will of Eleanora C. Petersen, deceased, now on file with this Commission, shall be refiled within thirty days from the date of actual transfer under the name of Neils M. Petersen, Jr., in accordance with the procedure prescribed by General Order No. 96, or in lieu of such refiling, Neils M. Petersen, Jr., 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 actual date of transfer, Neils M. Petersen, Jr., as executor of the last will of Eleanora C. Petersen, deceased, shall refund all customers' deposits and all advances for construction, if any, which are subject to refund. Any such unre-fund ed deposits and advances shall be transferred to and become the obligation for refund of Neils M. Petersen, Jr., as an individual.

5. If the authority herein granted is executed, Neils M. Petersen, Jr., as executor of the last will of Eleanora C. Petersen, deceased, shall, within thirty days thereafter, notify this Commission in writing of the completion of the property transfer herein authorized and of his compliance with the conditions hereof.

6. On or before the date of actual transfer, Neils M. Petersen, Jr., as executor of the last will of Eleanora C. Petersen, deceased, shall transfer and deliver to Neils M. Petersen, Jr., as an individual, and the latter shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the subject public utility water system.

7. Upon due compliance with all conditions of this order, Neils M. Petersen, Jr., as executor of the last will of Eleanor C. Petersen, deceased, 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. Nothing in this order, however, shall be construed as relieving Neils M. Petersen, Jr., as an individual, of any obligation or liability in connection with the ownership and operation of the subject public utility water system.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of July, 1960.

Gerrit B. Pease
President
J. S. [unclear]
[unclear]
[unclear]
Theodore Jensen
Commissioners