

Decision No. 61143**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RICHARD A. SMITH, LOUISE HILTON, and
 KATHERINE MAY ORMES, and RICHARD A.
 SMITH, as the Administrator of the
 Estate of HENRY SMITH, Deceased, for
 an order authorizing the transfer of
 operative rights in the public utility
 water system of HENRY SMITH, Deceased,
 known as EAST MENDOTA WATER CO., to
 RICHARD A. SMITH, LOUISE HILTON, and
 KATHERINE MAY ORMES.

Application No. 42712

OPINION AND ORDER

By their application filed on September 28, 1960, Richard A. Smith, as administrator of the estate of Henry Smith, deceased, and Richard A. Smith, Louise Hilton and Katherine May Ormes, to whom the estate of Henry Smith has been distributed by court order, seek authority to transfer the properties and operating rights of the water system known as East Mendota Water Company from the said estate to Richard A. Smith, Louise Hilton and Katherine May Ormes, surviving son, spouse and daughter respectively, of deceased. The distribution of the estate of Henry Smith was ordered on June 13, 1960 by the Superior Court, County of Fresno, by its "Order Approving Account and Decree of Distribution" a copy of which is attached to the application as Exhibit "A".

The subject water system was established and operated by Henry Smith until the time of his death on August 3, 1957, pursuant to a certificate of public convenience and necessity granted to him for the construction and operation of a public utility water distribution system to be known as "East Mendota Water Company", by Decision No. 40817, dated October 10, 1947, in Application No. 28535.

The utility serves the community of East Mendota, Fresno County. Commission records indicate that as of the end of 1959 it served approximately 80 customers. The utility's annual report to the Commission for the year ended December 31, 1959 shows utility plant of \$16,662 and a related depreciation reserve of \$3,784, thus indicating a net utility plant of \$12,878 as of that date.

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 has considered the above-entitled application and is of the opinion, and so finds, that the transfer in accordance with the instrument entitled "Order Approving Account and Decree of Distribution" 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 Richard A. Smith, as administrator of the estate of Henry Smith, deceased, may, on or after the effective date hereof and on or before March 31, 1961, transfer the herein described public utility water system properties and operative rights to Richard A. Smith, Louise Hilton and Katherine May Ormes, under the terms of the instrument entitled "Order Approving Account and Decree of Distribution", a copy of which is attached to the application as Exhibit "A".

IT IS HEREBY FURTHER ORDERED that:

1. The rates and rules of Henry Smith, deceased, now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the names of Richard A. Smith, Louise Hilton and Katherine May Ormes in accordance with the procedure prescribed by General Order No. 96, or in lieu of such refiling, Richard A. Smith, Louise Hilton and Katherine May Ormes 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.

2. On or before the date of actual transfer, Richard A. Smith, as administrator of the estate of Henry Smith, deceased, shall refund all customers' deposits and all advances for construction, if any, which are subject to refund as of the date of transfer. Any unrefunded deposits and advances shall be transferred to and become the obligation for refund of Richard A. Smith, Louise Hilton and Katherine May Ormes.

3. If the authority herein granted is exercised, Richard A. Smith, as administrator of the estate of Henry Smith, 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.

4. On or before the date of actual transfer, Richard A. Smith, as administrator of the estate of Henry Smith, deceased, shall transfer and deliver to Richard A. Smith, Louise Hilton and Katherine May Ormes, and said transferees shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the public utility water system properties herein authorized to be transferred.

5. Upon due compliance with all the conditions of this order, Richard A. Smith, as administrator of the estate of Henry Smith, deceased, shall stand relieved of all further utility obligations 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 6th day of December, 1960.

Gerald B. [Signature]
President
[Signature]
[Signature]
[Signature]
Theodore [Signature]
Commissioners