

**ORIGINAL**Decision No. 61399

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOSEPH A. LIBERMAN and )  
 LYDIA J. LIBERMAN, his wife, and )  
 DAVID A. OPPENHEIM and KATHERINE B. )  
 OPPENHEIM, his wife, (MAJOR VISTA )  
 WATER COMPANY, YOLO COUNTY, CALIFORNIA )  
 to sell and transfer to: HAROLD M. and )  
 KATHRYN HARWELL and REUBEN R. & KAY E. )  
 JANZ said public utility water system.)

Application No. 42864

OPINION AND ORDER

By this application filed November 16, 1960, Joseph A. Liberman<sup>1</sup> and Lydia J. Liberman,<sup>1</sup> his wife, and David A. Oppenheim<sup>1</sup> and Katherine B. Oppenheim,<sup>1</sup> his wife, seek authority to sell and transfer their public utility water system, known as Major Vista Water Utility (sometimes also referred to in this proceeding as Major Vista Water Company), to Harold M. Harwell<sup>2</sup> and Kathryn Harwell,<sup>2</sup> his wife, and Reuben (sometimes also referred to in this proceeding as Ruben) R. Janz<sup>2</sup> and Kay E. Janz,<sup>2</sup> his wife, who join in the application.

In connection with the subject application, a field investigation was made by the Commission's staff on December 5, 1960. The results of that investigation are set forth in a memorandum, incorporated in the record of this proceeding.

The water system serves approximately 65 customers in an unincorporated area known as Major Vista Subdivision, located west of the City of Winters, Yolo County. The city boundaries are adjacent to the limits of this subdivision, and some facilities of the water

---

<sup>1</sup> Sometimes herein called vendors.

<sup>2</sup> Sometimes herein called purchasers.

utility are located now within the corporate limits of the City of Winters. Based on the utility's annual reports to the Commission for the years ended December 31, 1958 and December 31, 1959, the total utility plant at the latter date is shown as \$26,150.79 and the depreciation reserve would have been \$5,152.23 as of the same date had it been computed through 1959, thus indicating a net utility plant of \$20,998.56 as of December 31, 1959.

Commission records indicate that the subject system was established pursuant to a certificate of public convenience and necessity granted to Roy G. Orr and Mabel Orr by Decision No. 50119, dated June 7, 1954, in Application No. 35342. Subsequently, under authority granted by Decision No. 54484, dated February 5, 1957, in Application No. 38531, the system was sold to Ruben R. Janz, Kay E. Janz, his wife, and the vendors herein. Pursuant to a subsequent transfer authorized by the Commission, the vendors, herein, acquired the system under authority granted by Decision No. 58829, dated July 28, 1959, in Application No. 41130.

The terms and conditions of the proposed conveyance of the water system from vendors to purchasers are set forth in an instrument entitled "Agreement of Sale", a copy of which is attached to the application as Exhibit A. The properties proposed to be transferred include source of supply plant, wells, pumping equipment, mains and other water system facilities. The water system is proposed to be transferred in conjunction with other properties which involve an agreement of exchange and a deed of trust. The consideration for the purchase of the utility properties is to be \$23,438.58.

The reasons given for the proposed transfer are that vendors, having conveyed all of their interest in the real property known as Major Vista Subdivision, desire to retire from the ownership

of the utility and that purchasers, having acquired the Major Vista Subdivision properties, state that they propose to carry on the operation of the utility and continue the development of the unimproved property in the reference subdivision. It has been concluded from an investigation by the Commission's staff that purchasers are capable of acquiring the water system and continuing its operation as a public utility.

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 is of the opinion and so finds 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. Joseph A. Liberman and Lydia J. Liberman, his wife, and David A. Oppenheim and Katherine B. Oppenheim, his wife, may, on or after the effective date hereof and on or before June 30, 1961 sell and transfer the herein described public utility water system, known as Major Vista Water Utility, to Harold M. Harwell and Kathryn Harwell, his wife, and Reuben R. Janz and Kay E. Janz, his wife, in accordance with the terms and conditions set forth in the instrument entitled "Agreement of Sale," a copy of which is attached to the application as Exhibit A.

2. The rates of Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim, doing business as Major Vista Water Utility, now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the names of Harold M. Harwell and Kathryn Harwell, and Reuben R. Janz and Kay E. Janz, in accordance with the procedure prescribed in

General Order No. 96, or in lieu of such refiling Harold M. Harwell and Kathryn Harwell, and Reuben R. Janz and Kay E. Janz may file a notice of adoption of said presently filed rates. No increases in the presently filed rates shall be made unless authorized by this Commission.

3. Harold M. Harwell and Kathryn Harwell, and Reuben R. Janz and Kay E. Janz shall, within thirty days after the date of actual transfer, file in quadruplicate with the Commission, in conformity with the provisions of General Order No. 96, and acceptable to the Commission, a revised tariff service area map, rules governing customer relations revised to reflect present-day operating practices, and sample copies of printed forms that are normally used in conjunction with customers' services. Such rules, tariff service area map, and forms shall become effective upon five days' notice to the Commission and to the public after filing as hereinabove provided.

4. On or before the date of actual transfer, Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim shall refund all customers' deposits and all advances for construction, if any, which are subject to refund as of the date of transfer. Any such unrefunded deposits and advances shall be transferred and become the obligation for refund of Harold M. Harwell and Kathryn Harwell, and Reuben R. Janz and Kay E. Janz.

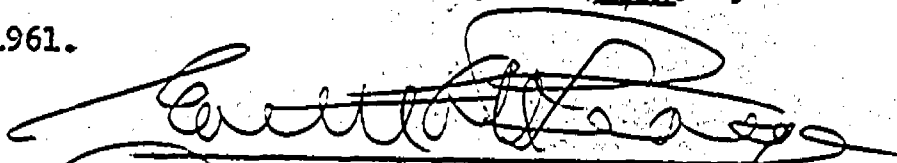
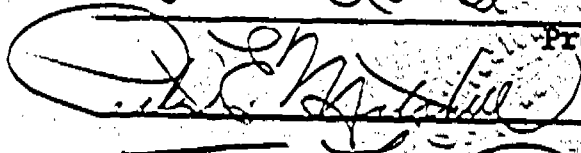
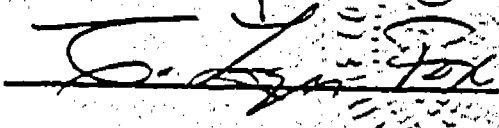
5. If the authority herein granted is exercised, Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of their compliance with the conditions hereof.

6. On or before the date of actual transfer of the physical properties herein authorized, Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim shall transfer and deliver to Harold M. Harwell and Kathryn Harwell, and Reuben R. Janz and Kay E. Janz, 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.

7. Upon due compliance with all the conditions of this order, Joseph A. Liberman and Lydia J. Liberman, and David A. Oppenheim and Katherine B. Oppenheim 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 24th day of JANUARY, 1961.

  
 \_\_\_\_\_  
 President  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Commissioners