

Decision No. 61797

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of E. C. WARRING, Dec'd by
ELIZABETH H. WARRING, Adminis-
tratrix, CHESTER A. WARRING,
FLOYD S. WARRING, individually
and as Executor of the Will of
Elizabeth R. Warring, Dec'd.,
BEN F. WARRING, Dec'd. by JOHN
A. GALVIN, Administrator, and
LESTER J. WARRING, d.b.a. WARRING
BROS., a co-partnership, for
authority to sell and transfer
operative rights and properties
to LESTER J. WARRING, CHESTER A.
WARRING and FLOYD S. WARRING,
general partners of WARRING
BROS., a limited partnership.

Application No. 43003

OPINION AND ORDER

By this application, filed December 27, 1960, Warring Bros., a co-partnership composed of Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased; John A. Galvin, as administrator of the estate of Ben F. Warring, deceased, and, Lester J. Warring, request authority to transfer the public utility properties known as Warring Bros. Irrigation Service and Warring Bros. Domestic Service to a limited partnership composed of Chester A. Warring, Floyd S. Warring and Lester J. Warring, as general partners, and, Alice Warring Giddings and Frances W. Talbot, as limited partners.

The application outlines the various changes in ownership by which the present owners became the successors in interest to the properties by operation of law and intervening conveyances.

A balance sheet attached to the application as Exhibit "K-1", shows domestic system utility plant as of November 30, 1960, in the amount of \$153,057.47 and depreciation reserve in the amount

of \$79,719.16, indicating net utility plant of \$73,338.31 for the domestic system. A corresponding balance sheet, Exhibit "M-1", shows utility plant for the irrigation system in the amount of \$33,586.45 and depreciation reserve in the amount of \$20,646.01, indicating net utility plant of \$12,940.44 for the irrigation system.

In the transfer from the co-partnership to the limited partnership, the application states that no consideration was paid or will be paid for the operative rights and properties of the two subject water systems.

The action taken herein shall not be construed to be a finding of 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. Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased, John A. Galvin, as administrator of the estate of Ben F. Warring, deceased, and Lester J. Warring, a co-partnership, may on or after the effective date hereof and on or before September 30, 1961, transfer the herein described public utility water properties to a limited partnership composed of Chester A. Warring, Floyd S. Warring and Lester J. Warring, as general partners, and Alice Warring Giddings and Frances W. Talbot, as limited partners, in accordance with the terms set forth in the application.
2. The rates and rules of E. C. Warring, Chester A. Warring, Floyd S. Warring, Ben F. Warring and Lester J. Warring, a co-partnership, now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the names of Chester A. Warring, Floyd S. Warring, Lester J. Warring, Alice Warring Giddings and Frances W. Talbot, a limited partnership, in accordance with the procedure prescribed by General Order No. 96. No increase in the present rates and rules shall be made unless authorized by the Commission.

3. On or before the date of actual transfer, Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased, John A. Calvin, as administrator of the estate of Ben F. Warring, deceased, and Lester J. Warring, a co-partnership, shall refund all customers' deposits and customers' advances for construction, if any, which are subject to refund. Any unrefunded deposits and advances shall be transferred to and become the obligation for refund of Chester A. Warring, Floyd S. Warring, Lester J. Warring, Alice Warring Giddings and Frances W. Talbot.
4. On or before the date of actual transfer, Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased, John A. Calvin, as administrator of the estate of Ben F. Warring, deceased, and Lester J. Warring, shall transfer and deliver to Chester A. Warring, Floyd S. Warring, Lester J. Warring, Alice Warring Giddings and Frances W. Talbot, 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, Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased, John A. Calvin, as administrator of the estate of Ben F. Warring, deceased, and Lester J. Warring shall, within thirty days thereafter, notify this Commission in writing of the date of completion of the property transfer herein authorized and of their compliance with the conditions hereof.
6. Upon due compliance with all the conditions of this order, said Elizabeth H. Warring, as administratrix of the estate of E. C. Warring, deceased, Chester A. Warring, Floyd S. Warring, individually and as executor of the will of Elizabeth R. Warring, deceased, John A. Calvin, as administrator of the estate of Ben F. Warring, deceased, and Lester J. Warring shall stand relieved of all further

public utility obligations and liabilities in connection with the operation of the public utility water systems 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 11th day of April, 1961.

George B. [Signature]
President
[Signature]
[Signature]
George H. [Signature]
Frederick B. [Signature]
Commissioners