

**ORIGINAL**

Decision No. 62047

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ALBERT J. SCHOCH and SAM KERNS,  
 a co-partnership, d.b.a. Cold  
 Springs Water Co., for Authority to  
 Assign and Transfer to SAM KERNS,  
 as an Individual Proprietorship,  
 Upon Dissolution of Partnership, All  
 Properties Necessary and/or Used in  
 Cold Springs Water Co., a Public  
 Utilities Water Distribution System  
 Located Approximately 25 Miles East  
 of Sonora, Tuolumne County,  
 California, on State Highway No. 108.

Application No. 43216

OPINION AND ORDER

By this application, filed March 9 and as amended April 13, 1961, authority is sought to assign and transfer public utility properties and assets, including the certificate of public convenience and necessity, to Sam Kerns upon dissolution of the partnership of Albert J. Schoch and Sam Kerns who have operated the water system under the name and style of Cold Springs Water Co. The utility system serves subdivided lands located along or near State Highway No. 108 (Sonora-Mono Highway) approximately 25 miles east of Sonora, Tuolumne County.

The agreement of dissolution of the partnership, a copy of which is attached to the application as Exhibit A thereof, provides, among other things, that Sam Kerns shall assume the duties and liabilities attendant upon the operation and conduct of the public utility business. Applicants having heretofore owned both private properties and public utility properties as undivided owners in co-partnership, have mutually agreed upon a division of said properties as to their respective capital interests and by reason thereof no purchase price is being paid for the assignment and transfer of the public utility

properties. The water system properties are reported by applicants to have a value of approximately \$36,500. The surviving partner, Sam Kerns, reports his net worth to be \$70,764.

The agreement of dissolution of the partnership, in paragraphs 8, 16 and 18 thereof, contains provisions respecting the extension of water mains to certain parcels of non-utility land being divided between the partners. In this respect, the parties are hereby placed on notice that any such provisions or agreements may not in any way alter, amend or supplant the provisions of the regularly filed and effective main extension rule under which the utility operates. Further, the action taken herein shall not be construed to authorize deviation from the provisions of such tariff rule.

The Commission finds that the proposed transfer will not be adverse to the public interest and concludes that the requests of applicants should be granted. The action herein, however, shall not be taken to be a finding of the value of the property authorized to be transferred. Public hearing in the matter is not necessary.

Good Cause Appearing, therefor,

It Is Ordered as follows:

1. Albert J. Schoch, on or after the effective date hereof and on or before September 30, 1961, may assign and transfer his interest in the public utility water system known as Cold Springs Water Co. to Sam Kerns with said Sam Kerns thereafter owning and operating said system as a sole-proprietorship.

2. The rates and rules of Albert J. Schoch and Sam Kerns (Cold Springs Water Co.) now legally on file with this Commission, shall be refiled by Sam Kerns within 30 days from the date of transfer, or in lieu of such refileing, Sam Kerns may file a notice of adoption of such presently filed rates and rules. No increases in the present

lawfully filed tariffs shall be made unless otherwise properly authorized by the Commission.

3. Any unrefunded customer deposits or advances shall be transferred to and become the obligation of Sam Kerns.

4. Upon due compliance with the provisions of this order, Albert J. Schoch 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.

5. The authority herein granted shall become effective ten days after the date hereof.

Dated at San Francisco, California, this 31st day of May, 1961.

*Carroll W. Pope*

President

*S. J. ...*

*George E. Grover*

*Frederick B. Haloboff*

Commissioners