

ORIGINAL

Decision No. 62330

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GILBERTA A. HARMON, ROBERT LEROY)
 HARMON, JR., and HUGH WILLIAM HARMON,)
 a partnership doing business as)
 THERMAL WATER SYSTEM for permit to)
 transfer interests of said water)
 system to GILBERTA A. HARMON,)
 Applicants.)

Application No. 43213

OPINION AND ORDER

By this application filed March 8, 1961, as amended June 12, 1961, Gilberta A. Harmon,^{1/} Robert LeRoy Harmon, Jr., and Hugh William Harmon, partners doing business as Thermal Water System, seek authorization to transfer their public utility water system to Gilberta A. Harmon.^{1/} All of said parties have joined in the application and the amendment thereto.

The three selling applicants and their predecessor have been furnishing water to the community of Thermal, Riverside County, California, since prior to 1912. They were authorized to acquire the system by Decision No. 54039, dated November 19, 1956, in Application No. 38362.^{1/} The annual report to the Commission of the partners shows that as of February 3, 1960, they had 113 metered service connections.

The application shows that as of December 31, 1960, the partnership had a utility plant valued at \$31,953 and a depreciation reserve in the amount of \$13,973, indicating a net utility plant of \$17,980.

^{1/} In Application No. 38362, Gilberta A. Harmon is referred to as Gilberta Alderman Harmon.

The application recites that the purpose of the transfer is to effect a general division of the property interests owned by the three partners and that the purchaser, Gilberta A. Harmon, has, without major assistance from the other partners, done all the work in connection with the installation, maintenance, sale and reporting for all purposes of said partnership business.

The terms of the transfer are set out in an agreement dated December 1, 1959, a copy of which is attached to the application as Exhibit II. The purchaser will secure as her sole and separate property the entire water system. The consideration will be the transfer to the other parties of certain properties free and clear of any claims by the purchaser. The financial condition of the water company, itself, will not be changed.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

The Commission having considered the above-entitled application and finding 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) Gilberta A. Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon may, on and after the effective date hereof and on or before August 31, 1961, transfer their public utility water system, known as Thermal Water System, to Gilberta A. Harmon, in accordance with the agreement dated December 1, 1959, a copy

of which is attached to the application herein.

(2) On or before the date of actual transfer, Gilberta A. Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon shall refund all customers' deposits and 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 to and become the obligation of Gilberta A. Harmon.

(3)a. The rates of Gilberta A. Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon, now on file with this Commission, shall be refiled within thirty days after the date of actual transfer under the name of Gilberta A. Harmon in accordance with the procedure prescribed in General Order No. 96, or in lieu of such refiling, Gilberta A. Harmon 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.

b. Gilberta A. Harmon 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 in a form 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) If the authority herein granted is exercised, Gilberta A. Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon 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.

(5)a. On or before the date of actual transfer of the physical properties herein authorized, Gilberta A. Harmon, Robert LeRoy Harmon, Jr., and Hugh William Harmon shall transfer and deliver to Gilberta A. Harmon, 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.

b. Within ten days after receipt of said records, memoranda and papers, Gilberta A. Harmon shall notify this Commission in writing of the date of their receipt.

(6) Upon due compliance with all of the conditions of this order, Robert LeRoy Harmon, Jr., and Hugh William Harmon 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 25th day of JULY 1, 1961.

 President

 Commissioners