

65975

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MYERS WATER WORKS, a partnership,
for a permit authorizing partner
E. E. JENNINGS to acquire the interest
of partner E. M. NELSON.

)
Application No. 45677
(Filed August 14, 1963)

O P I N I O N

Applicant requests an order authorizing E. E. Jennings to acquire, for \$14,000 cash, the one-half interest of his partner, E. M. Nelson, in Myers Water Works, a public utility water system serving Myers Flat, Humboldt County. Nelson wishes to retire and Jennings will continue the business as sole proprietor. The utility was certificated in 1951 (Decision No. 45635, Application No. 32010).

The transfer, to be effected pursuant to an agreement dated July 31, 1963 (Application, Exhibit "C"), also includes acquisition by Jennings, as lessee, subject to reservation by lessors of a right of use for domestic and ranch purposes, of a 99-year lease of a water well and appurtenant water main, owned by Nelson's spouse and currently used by the utility as a standby source of water supply. (A copy of the lease is attached to the agreement as Exhibit "1".) Jennings, as sole proprietor, will assume the utility's current and accrued liabilities and its obligations with respect to customers' deposits, construction advances and any other debt as shown by a financial statement submitted with the application (Exhibit "A").

We find that the proposed transfer of a partnership interest in Myers Water Works is not adverse to the public interest.

The authorization herein granted shall not be construed to be a finding of the value of the rights and properties herein authorized to be transferred.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1963, E. M. Nelson may sell and transfer, and E. E. Jennings may purchase and acquire, all of the right, title and interest of seller in and to the operative right and property referred to in the application herein.

2. On or before the date of actual transfer, E. M. Nelson and E. E. Jennings shall refund all customers' deposits and advances for construction, if any, which are subject to refund as of the date of transfer. Any unrefunded deposits and advances shall become the obligation of E. E. Jennings.

3. On or before the date of actual transfer, E. M. Nelson and E. E. Jennings shall transfer and deliver to E. E. Jennings 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.

4. Within thirty days after the consummation of the transfer herein authorized, E. E. Jennings shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

5. E. E. Jennings shall amend or reissue the tariffs of Myers Water Works on file with the Commission to show that he has adopted or established said tariffs as his own. The tariff filings shall ✓

be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the rules governing filing and posting of tariff schedules set forth in the Commission's General Order No. 96-A.

6. Upon due compliance with all the conditions of this order, E. M. Nelson 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 10th day of SEPTEMBER, 1963.

William W. Bennett
President

W. H. H. H. H.

W. H. H. H. H.

George T. Trover

Frederick B. Hallock
Commissioners