

ORIGINAL

Decision No. 66742

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
R. C. Soultz and Ethel V. Soultz,)
doing business as Tulco Water Company,)
holding Decision No. 58886 to operate)
a public utility water system, request)
permission to transfer their Certifi-)
cate to Horace Nish and Lucille M.)
Nish, doing business as Nish Water)
Company, 4050 West Vassar Drive,)
Visalia, California.)

Application No. 45989
(Filed December 2, 1963)

O P I N I O N

R. C. Soultz and Ethel V. Soultz, doing business as "Tulco Water Company" request authority to transfer their certificated domestic water system on Riggin Road, Visalia (Decision No. 58886, August 18, 1959, Application No. 41003) to Horace Nish and Lucille M. Nish, who will operate the system as "Nish Water Company" and who join in the application.

The parties have selected December 31, 1963, subject to Commission authorization, as the date for proration purposes connected with the transfer and for the payment of the cash consideration of \$49,000. Applicants aliege that they are requesting the transfer for reasons of more efficient operation and management, since buyers' home is located in the subdivision served by the system.

Copies of the bill of sale and grant deed to be executed by sellers are attached to the application as Exhibits 1 and 2, together with financial statements of the parties and a sketch of

the service area (Exhibits 3, 4 and 5). Buyers request authority to adopt sellers' rates currently on file with the Commission. There is no indication, either in the application or in the utility's annual report for 1962 (of which we take official notice), that the sellers have outstanding any contracts calling for refund of construction advances.

We find that the proposed transfer is not adverse to the public interest and it will be authorized in accordance with the ensuing order. The authorization herein granted, however, shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. R. C. Soultz and Ethel V. Soultz, after the effective date of this order, may sell and transfer the assets of the public utility water system described in the application herein to Horace Nish and Lucille M. Nish, who may purchase, take and operate said water system.

2. On or before the date of actual transfer, sellers shall refund all customer deposits for establishment of credit and all advances for construction, if any, which may be due to be refunded as of the date of transfer. Any unrefunded deposits and advances shall become the obligation of the transferees of the assets of said utility.

3. On or before the date of actual transfer, sellers shall transfer and deliver to buyers, and buyers 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, buyers shall notify the Commission, in writing, of such consummation and within said period shall file with the Commission a true copy of any bill of sale, agreement or other instrument which may be executed to effect said transfer.

5. Within thirty days after the date of actual transfer, buyers shall file an appropriate notice of adoption of the effective tariff schedules of sellers, said notice to be submitted in the form of an advice letter pursuant to the provisions of Section III of General Order No. 96-A.

6. Upon completion of the transfer herein authorized and due compliance with all the provisions of this order, R. C. Soultz and Ethel V. Soultz 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.

7. The authority herein granted will expire if not exercised within one year after the date of issuance of this decision.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of February, 1964.

William W. Bennett
President
George E. Grover
Fredrick B. Hallock

Commissioners