

ORIGINAL

Decision No. 68759

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

JOSEPEINE FEDELE and ANGELINA)
OGNIBENE, and LEO KOLLIGIAN,)
JOHN TUTELIAN and BETTY ZINKIN,)

Application No. 47377
Filed March 2, 1965

For Order Authorizing Sale of)
Public Utility Property known as)
CEDAR HEIGHTS WATER SYSTEM.)

O P I N I O N

This is an application for an order of the Commission authorizing Josephine Fedele and Angelina Ognibene to sell and transfer their water utility business known as Cedar Heights Water System to Leo Kolligian, John Tutelian and Betty Zinkin.

By Decision No. 48299, dated February 24, 1953, in Application No. 33809, a certificate of public convenience and necessity to construct and operate a public utility water system was granted to Josephine Fedele and Angelina Ognibene. The application shows that service is presently provided to approximately 67 consumers in an unincorporated area of Fresno County located immediately north of the City of Fresno. Financial statements, attached to the application as Exhibit F, indicate that revenues and net income for the year 1964 were \$4,354.53 and \$584.29, respectively, and that the net book value of the assets, as of December 31, 1964, amounted to \$12,926.62.

The owners report that they are physically unable to continue the operation and maintenance of their public utility which is known as Cedar Heights Water System and, for this reason, they request authority to sell and transfer said system to Leo Kolligian, John Tutelian and Betty Zinkin for \$30,000 cash. According to the application, the buyers will have sufficient resources, manpower and time to devote to the operation of the water utility.

The Commission has considered this matter and finds that the sale and transfer of the public utility water business and related assets, as proposed in this proceeding, would not be adverse to the public interest. On the basis of this finding we conclude that the application should be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the properties authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before July 31, 1965, Josephine Fedele and Angelina Ognibene, doing business as Cedar Heights Water System, may sell and transfer, and Leo Kolligian, John Tutelian and Betty Zinkin, may purchase and acquire, the certificate of public convenience and necessity, together with the related assets and public utility water business referred to in the application.

2. On or before the date of actual transfer -
 - a. Sellers shall refund all customers' deposits and all advances for construction, if any, which are due to be refunded at the date of transfer. Any unrefunded deposits and advances shall be transferred to and shall become the obligation for refund of purchasers.
 - b. Sellers shall transfer and deliver to purchasers all records, memoranda and papers pertaining to the construction and operation of the properties herein authorized to be transferred, and purchasers shall receive and preserve the same.
3. If the authority herein granted to transfer properties is exercised, purchasers, within thirty days thereafter, shall notify the Commission, in writing, of the date of completion of such transfer.
4. Purchasers shall file within five days after the effective date of the transfer, a notice of adoption of the presently filed rates and rules of sellers in accordance with the procedure prescribed by General Order No. 96-A. No increases in presently filed rates shall be made unless authorized by this Commission.
5. Within sixty days after the consummation of the transfer, purchasers shall file with the Commission a copy of each journal entry used to record the transfer on their books of account.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, purchasers shall cause to be filed with the Commission, in such form as it may prescribe, an annual report of sellers covering the period commencing with the first day of the current year to and including the effective date of the transfer.

7. Upon compliance with all of the conditions of this order, Josephine Fedele and Angelina Ognibene shall stand relieved of all further public utility obligations in connection with the operation of the public utility water system herein authorized to be transferred.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of MARCH, 1965.

Fredrick B. Hallock
President
John E. Mitchell
George E. Trover
Attorney
William W. Bennett
Commissioners