

ORIGINALDecision No. 69882

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ALBERT STERKIN and)
 MARY JANE STERKIN, his wife, to)
 purchase, and application of)
 MELVIN N. LEEN and CLOEY V. LEEN)
 to sell, a water system on Oberlin)
 Road, Siskiyou County, California.)

Application No. 47864
 (Filed September 2, 1965)

O P I N I O N

Applicants Leen are the owners and operators of a public utility water system which serves the Charles S. Campbell Tract in Siskiyou County. Having moved to Orland, California, the Leens desire to terminate their business affairs at Yreka.

Applicants Sterkin reside at Yreka. The consideration for the sale is to be ten dollars plus performance by the Sterkins of the obligation imposed by paragraph 8 of the order in Decision No. 62091 in Case No. 7000. In that proceeding Charles S. and Myrtle E. Campbell were declared to be a public utility and certain duties were imposed on the Campbells. The most important of these was the afore-said paragraph 8 which reads as follows:

"8. Defendants shall have prepared by a registered civil engineer qualified to design and lay out domestic water supply systems a comprehensive master plan of an adequate water supply system which, when carried out, will provide their entire water utility service area with a water system that will fully meet the minimum requirements of this Commission's General Order No. 103. Said comprehensive master plan shall take into appropriate consideration use of existing facilities and be in such detail as to clearly indicate the sizes and capacities of the several units making up the system, the estimated costs thereof and the probable dates when each of the said several units will be placed in operation."

The above order was issued June 6, 1961. Four years have passed with no effort at compliance. The Campbells transferred the obligation to applicants Leen. This was done under authority of Decision No. 65143 in Application No. 44789. This transaction was completed on January 28, 1964.

A financial statement attached to the application indicates that the Sterkins have ample resources to carry out the requirement quoted above. The following order will establish a time limit for compliance with that ordering paragraph.

The Commission finds that:

1. The transfer proposed in the application would not be adverse to the public interest.
2. The system herein authorized to be transferred is subject to the provisions of paragraph 8 of the order in Decision No. 62091 in Case No. 7000, which provisions have not as yet been complied with.
3. Applicants Sterkin have the financial resources necessary to operate this system and to comply with said ordering paragraph.

The Commission concludes that the application should be granted as provided in the following order.

Albert and Mary Jane Sterkin are hereby placed on notice that the authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. Within one year after the effective date of this order, Melvin N. Leen and Cloey V. Leen (sellers) may sell and transfer to Albert Sterkin and Mary Jane Sterkin (purchasers) the water system and certificate referred to herein, substantially in accordance with the terms described herein.

2. After the effective date of this order, and not less than five days before the date of actual transfer, purchasers shall file a notice of adoption of sellers' tariffs. Such filing shall comply with General Order No. 96-A. The notice of adoption shall become effective on the date of actual transfer.

3. On or before the date of actual transfer, sellers shall refund all customers' deposits and advances for construction, if any, which are due and payable as of the date of transfer. All unrefunded deposits and advances shall be transferred to purchasers, who shall be responsible for their refund when due.

4. On or before the date of actual transfer, sellers shall deliver to purchasers and purchasers shall receive and preserve, all records, memoranda and papers pertaining to the construction and operation of the properties authorized herein to be transferred.

5. Within five days after the date of actual transfer, sellers and purchasers jointly shall file in this proceeding a written statement, showing:

- (a) The date of transfer. A true copy of the instrument of transfer shall be attached to the statement.
- (b) The dates of compliance with the foregoing paragraphs 3 and 4.

6. Upon compliance with all of the conditions of this order, sellers shall stand relieved of their public utility obligations in the area served by the transferred system and may discontinue service concurrently with the commencement of service by purchasers.

7. On or before July 1, 1966, purchasers shall file with this Commission the plan required by ordering paragraph 8 of Decision No. 62091 dated June 6, 1961 in Case No. 7000 which ordering paragraph is hereby continued in full force and effect. Purchasers shall install

the facilities specified in that plan, and shall report in writing to this Commission each sixty days after filing the plan their progress in making the installations until the program is completed.

8. On or before the end of the third month after the consummation of the transfer as herein authorized, Albert Sterkin and Mary Jane Sterkin shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

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

Dated at San Francisco, California, this 2nd day of November, 1965.

Frederick B. Holdway
President

John E. ...

George E. ...

Augustus ...

Nathaniel ...
Commissioners