

**ORIGINAL**

Decision No. 70346

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of DEANE PRESTIDGE and W. W. PRESTIDGE, doing business as Prestidge Water Co., a copartnership, for authority to sell and transfer public utility water system property. }

Application No. 48128  
Filed December 16, 1965

O P I N I O N

Applicants Prestidge are the owners of a public utility operative right to provide water service. This right was created by Decision No. 61912 in Application No. 43005 and was transferred pursuant to an authorization granted by Decision No. 67913 in Application No. 46774. It covers Tracts 175 and 330 in Section 32, Township 21 south, Range 28 east, M.D.B. & M., approximately 1-1/2 miles southeasterly of Porterville, Tulare County.

The Prestidges propose to sell this utility to Alonzo Wayne Dunn and wife for a consideration of \$20,000. This is not to be paid in cash but by an exchange of real property in the Porterville area. An exchange agreement attached to the application recites that the trade is "subject to Public Utility Commission approval."

The Dunns (East Porterville Water Company) were granted a certificate in Application No. 47503 on December 21, 1965 (Decision No. 70114). Part of the service area of that grant is in the northwest corner of Section 32. The Prestidge service area is in the southeastern part of that section. The Dunns have filed their tariff pursuant to Decision No. 70114.

The Commission finds that the proposed transfer would not be adverse to the public interest.

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

Alonzo Wayne Dunn and Billie J. Dunn 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.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Within one year after the effective date of this order, Deane Prestidge and W. W. Prestidge (sellers) may sell and transfer to Alonzo W. Dunn and Billie J. Dunn (purchasers) the water system and certificate referred to herein, substantially in accordance with the terms set forth in the agreement of sale, attached to the application.

2. After the effective date of this order, and not more than thirty days after the date of actual transfer, purchasers shall file additional and revised tariff sheets, including tariff service area maps clearly and accurately indicating the boundaries of the tariff area established by the transfer, to provide for the application of sellers' present rates and purchasers' rules to the service area acquired by the transfer. Such filing shall comply with General Order No. 96-A.

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. On or before the end of the third month after the consummation of the transfer as herein authorized, Alonzo W. Dunn and Billie J. Dunn shall cause to be filed with the Commission in such form as the Commission may prescribe, an annual report related to the operations of the sellers for 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, 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.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of FEBRUARY, 1966.

Fredrick B. Halbach  
President  
George W. Fisher  
Secretary  
William L. Brown  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.