

ORIGINAL

Decision No. 70830

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EDNA B. LEE to acquire, by operation of law, all of the assets of GERBER WATER WORKS and to operate the same under the same name.

Application No. 48147
(Filed December 24, 1965)

O P I N I O N

Prior to January 6, 1943, Clark J. Lee and Mary E. Lee, his wife, were owners of the real and personal property composing Gerber Water Works, a public utility. By a deed of that date they conveyed the system to themselves as joint tenants. Mary E. Lee appears to have acquired the property by survivorship before December 29, 1949. On that date she conveyed the property to her son by a deed and bill of sale and assignment reserving a life estate in herself.

John C. Lee, the son, and his wife, the applicant, conveyed the property to themselves as joint tenants with right of survivorship. This conveyance was also by deed and bill of sale and assignment.

Exhibit E to the application is a decree of the Superior Court for Plumas County establishing the fact of the death of John C. Lee on August 9, 1956. This vested the water works in applicant, subject to the life estate in Mary E. Lee. Mary E. Lee's death certificate is attached to the application as Exhibit G.

Mary E. Lee was 96 years of age when she died and Edna B. Lee has been the actual manager of the water works since the death of her husband, a period exceeding nine years.

By paragraph 6 of the application Edna B. Lee adopts, as her own, the tariffs of Gerber Water Works now on file.

The Commission finds that:

1. Edna B. Lee is the operator of the Gerber Water Works and as such is a water corporation as defined by Section 241 and a public utility as defined by Section 216 of the Public Utilities Code.

2. The presently filed rates of Edna B. Lee are fair and reasonable for the services rendered by her in the community of Gerber, Tehama County.

The Commission concludes that Edna B. Lee should be declared to be a public utility and should be required to continue the rates and rules contained in her presently filed tariff.

O R D E R

IT IS ORDERED that:

1. Edna B. Lee, the owner of Gerber Water Works, is a public utility subject to regulation by this Commission.

2. Edna B. Lee shall continue her presently filed rates and rules in effect until changed in the manner provided by law.

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

Dated at San Francisco, California, this 8th day of JUNE, 1966.

Frederick B. Wood
President
George H. Hoover
William M. Bennett
Commissioners

*I will file a separate opinion.
George H. Hoover*

-2- Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

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by operation of law, all of the assets)
of GERBER WATER WORKS and to operate) Application No. 48147
the same under the same name.) (Filed December 24, 1965)

CONCURRING OPINION OF COMMISSIONER GROVER

I concur.

Commission approval of the transfers by which Edna B. Lee has gained title to Gerber Water Works is implicit in our order's reference to her as "the owner." However, I believe it would have been better form to have stated expressly that these transfers are approved pursuant to Section 851 of the Public Utilities Code.

George J. Grover

Commissioner