

ORIGINALDecision No. 71195

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of L. R. UNSER,
 IRENE L. UNSER, THOMAS K. JONES and IDA L.
 JONES, doing business as MOUNTAIN-AIRE WATER
 COMPANY, to sell all of its physical assets,
 and of JAMES W. ANDERSON and VIRGINIA I.
 ANDERSON to buy all of its physical assets.

Application No. 48485
 (Filed May 19, 1966)

C O P I N I O N

Applicants Unser and applicants Jones seek authority to transfer Mountain-Aire Water Company to applicants Anderson. The operating right was created by Decision No. 62331, dated July 25, 1961 in Application No. 43303. The property is located in the Tulare County mountain area about 35 miles east of Porterville and 21 miles east of the community of Springville. The approximate elevation and area are 5800 feet and 50 acres respectively.

The application alleges that the Unser-Jones partners have acquired interests elsewhere which require their attention. The Andersons, who are Porterville residents, desire to acquire a water utility of this type.

The consideration is to be \$13,116.30 in cash. \$5,000 has been deposited and the balance is to be paid upon obtaining Commission authorization for the sale. The depreciated original cost of the system is \$13,116.30. The depreciation rate in use is 2.97%.

It is alleged that there are no customer deposits or advances in aid of construction outstanding.

A financial statement attached to the application indicates that applicants Anderson have sufficient resources to operate the proposed system.

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.

James W. Anderson and Virginia I. Anderson 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, L. R. Unser, Irene L. Unser, Thomas K. Jones and Ida L. Jones (sellers) may sell and transfer to James W. Anderson and Virginia I. Anderson (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 less than five days before the date of actual transfer, purchasers shall file a notice of adoption of the tariffs of sellers. Such filing shall comply with General Order No. 96-A. The effective date of the notice of adoption shall be 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. On or before the end of the third month after the consummation of the transfer as herein authorized, James W. Anderson and Virginia I. Anderson 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 23rd day of AUGUST, 1966.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

George T. Hoover
Augustin
William B. Bennett

Commissioners