

ORIGINAL

Decision No. 74179

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Alonzo Wayne Dunn and Billie J. Dunn, husband and wife, as owners (East Porterville Water Company) for a Certificate of Public Convenience and Necessity to Operate a Public Utility System (Water), known as Tract 109 Mutual Water Company in Tract 109, Tulare County, and adjacent territory, and to establish rates for the service of water therefrom; and for relief from Ordering Paragraph number 5 of Decision 70346.

Application No. 49219
(Filed March 20, 1967)

In the Matter of the Application of A. W. Dunn and Billie J. Dunn, dba EAST PORTERVILLE WATER COMPANY, a partnership, for an order authorizing (1) the sale and transfer to the City of Porterville of public utility property of Applicant in the County of Tulare and (2) the discontinuance of service by Applicant in Tulare County now served by Applicant.

Application No. 50104
(Filed March 22, 1968)

O P I N I O N

By Decision No. 72943, dated August 22, 1967, in Application No. 49219, applicants Dunn were granted an extension of their water certificate. That decision imposed certain requirements on the Dunns. No. 50104 is an application of the Dunns, joined in by the City of Porterville, seeking authorization for a transfer of the Dunn system to the City.

City proposes to pay to the Dunns \$48,477 in cash on the closing date, subject to increase or decrease in accordance with the terms of an agreement between the Dunns and the City, a copy of which is attached to the application as Exhibit A.

Applicants allege that demand for water in East Porterville is likely to increase. It is further alleged that the Dunns might have difficulty in meeting this demand. The City, on the other hand, has a large and efficient system and the anticipated increases in demand will not present a problem to the City.

We are of the opinion that granting of the application will represent an advantage to the customers. The transfer will be authorized.

Decision No. 72943 has never become effective. Paragraph 12 of the order provided that "the effective date of this decision shall be established by supplemental order ..." and went on to enumerate certain additions and betterments that must be added before the date would be fixed. It would serve no useful purpose to prolong this matter and Decision No. 72943 will be made effective on the same date as this order.

The Commission finds that:

1. The proposed sale and transfer will not be adverse to the public interest.
2. The City of Porterville has the financial resources to acquire and operate the water system, now known as East Porterville Water Company.
3. A public hearing is not necessary.

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

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, Alonzo Wayne Dunn and Billie J. Dunn may sell and transfer to the City of Porterville, a municipal corporation, the water system referred to herein, substantially in accordance with the terms described in the agreement attached to the application herein as Exhibit A.
2. Alonzo Wayne Dunn and Billie J. Dunn are authorized to carry out the terms of their agreement with the City of Porterville, a copy of which is attached to the application as Exhibit A.
3. Within five days after the date of actual transfer, Alonzo Wayne Dunn, Billie J. Dunn and the City of Porterville jointly shall file in this proceeding a written statement showing the date of transfer. A true copy of the instrument or instruments of transfer shall be attached to the statement.
4. Upon compliance with all of the conditions of this order, Alonzo Wayne Dunn and Billie J. Dunn 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 the City of Porterville.
5. On or before the end of the third month after the date of actual transfer City of Porterville shall cause to be filed with the Commission, in such form as it may prescribe, an annual report covering the operations of Alonzo Wayne Dunn and Billie J. Dunn, dba

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East Porterville Water Company, for the period commencing with the first day of the current year to and including the effective date of transfer.

The effective date of Decision No. 72943 in Application No. 49219 and of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th
day of 1 MAY, 1968.

John E. Dettell
President

Augusta
William M. Bennett
Frederic P. Monness
Commissioners

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