

Decision No. 80927

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MELVIN L. LUKINS and
GLENN J. LUKINS (LUKINS BROTHERS
WATER COMPANY, P. O. Box 8755, South
Lake Tahoe, California) for authority
to transfer their water system to
MELVIN L. LUKINS and to issue \$75,000
promissory note.

Application No. 53637
(Filed October 12, 1972)

O P I N I O N

Lukins Brothers Water Company is a public utility supplying water to residents and businesses in a portion of South Lake Tahoe which encompasses Lukins Tract Subdivision, Tahoe Island Subdivision, and part of Tamarack Subdivision as shown on the map attached to the application.

Lukins Brothers Water Company is operated as a partnership with Glenn J. Lukins and Melvin L. Lukins as partners.

By this application Glenn J. Lukins wishes to sell and transfer his interest in Lukins Brothers Water Company to Melvin L. Lukins who wishes to acquire total ownership of the company.

The sales agreement is attached to the application. The purchase price is Melvin L. Lukins' share in the estate of Elva E. Lukins now being probated under action number 72286 in Sacramento Superior Court, and \$75,000 payable over a period of eleven years as evidenced by a promissory note attached to the application.

The latest available financial statement of Lukins Brothers Water Company is contained in the 1971 Annual Report filed with the Commission.

Applicants allege that this sale will have no operational effects on the company since purchaser Melvin L. Lukins has been operating the business individually in recent years.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The Commission concludes that the application should be granted as provided in the order which follows. The action taken herein does not constitute a finding as to the value or original cost of the properties authorized to be transferred.

The money, property, or labor to be procured or paid for by the issue of the note of indebtedness herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

O R D E R

IT IS ORDERED that:

1. Within one year after the effective date of this order, Glenn J. Lukins may transfer to Melvin L. Lukins his interest in the water system 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 actual transfer, purchaser shall file a notice of adoption of system's tariffs. 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, seller 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 purchaser, who shall be responsible for their refund when due.

4. On or before the date of actual transfer, seller shall deliver to purchaser, and purchaser shall receive and preserve, all available 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, seller and purchaser jointly shall file in this proceeding a written statement showing:

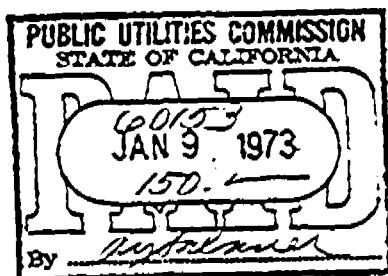
- (a) The date of transfer. A true copy of the instrument or instruments of transfer shall be attached to the statement.
- (b) The dates of compliance with the foregoing paragraphs 3 and 4.

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

7. Purchaser shall file a report or reports as required by General Order No. 24-B, which order insofar as applicable is hereby made a part of this order.

The authority herein granted to issue a note will become effective when purchaser has paid the fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$150. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of JANUARY, 1973.



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

Vernon L. Sturgeon
President
[Signature]
[Signature]
Commissioners