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ORIGINAL

Decision No. 85215

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Warren J. Toomey and Maria L.  
Toomey, for authority to Control  
the Fitch Mountain Water Company,  
Inc.

Application No. 55906  
(Filed September 4, 1975)

O P I N I O N

Applicants Warren J. Toomey and Maria L. Toomey seek authority to control Fitch Mountain Water Company, Inc. (Fitch Mountain) through the purchase of all outstanding stock of the corporation, and to assume the outstanding obligations of the corporation and the obligation to pay a personal promissory note secured by a pledge of the stock being acquired.

Fitch Mountain is a California corporation, doing business as a public utility, whose service area is located at Fitch Mountain, an area of approximately 300 acres bounded on three sides by a bend in the Russian River just east of the city of Healdsburg. Water service is provided by two wells, a natural spring, and purchases from the city of Healdsburg. Storage consists of eleven tanks totaling 76,000 gallons supplied by six booster stations. Water is distributed through 61,046 feet of mains varying in size from 4-inch to 3/4-inch of which only 11,040 feet are 4-inch.

The terms and conditions of the proposed sale are set forth in a written agreement dated August 8, 1975, attached to the application. The agreement prescribes the purchase price for the sale of 3,900 shares of common stock to be the sum of \$5,000 cash, assumption of an obligation to pay \$35,000 promissory note against stock being acquired, and assumption of the outstanding obligations of the utility. The utility's 1974 annual report indicates that there are no customers' deposits of record and that the utility has \$4,625 in advances for construction.

The staff has informed us that a number of customers desire a hearing in this matter, believing that no transfer should be made prior to upgrading the system. The staff finds no merit in their requests, believing it to be beyond the capability of the present owners to upgrade the system, and considering the prospective owner to be better situated to upgrade the system.

It is alleged that the applicant purchaser is the owner of Toomey Pump, a sole proprietorship, and has over 15 years of experience in engineering, installation, and maintenance of water lines and pumps. As of July 1, 1975, applicant purchaser indicates a net worth in the amount of \$316,500.

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





The authorization granted shall not be construed as a finding of value of rights and properties to be transferred.

O R D E R

IT IS ORDERED that Warren J. Toomey and Maria L. Toomey may control Fitch Mountain Water Company, Inc.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9th day of DECEMBER, 1975.

  
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President  
  
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Commissioners

Commissioner Robert Batanovich, being necessarily absent, did not participate in the disposition of this proceeding.