

Decision 83 03 C07 MAR 2 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
Danny T. Conlin, Executor of the )  
estate of Miriam E. Conlin, dba )  
Conlin Strawberry Water Company, )  
for an order authorizing it to )  
distribute the utility to Danny T. )  
Conlin and the application of Danny )  
T. Conlin to receive the utility )  
from the estate of Miriam E. )  
Conlin. )

Application 82-11-22  
(Filed November 10, 1982)

O P I N I O N

Conlin Strawberry Water Company (Company) is located in an unincorporated area of Tuolumne County, and is a public utility. It furnishes domestic water to the Strawberry subdivision (406 lots, 284 of which are improved and receiving water service) and Dymond's Strawberry Ridge subdivision, where there are 103 lots, 45 of which are improved and receiving service. Both areas are near State Highway 108 and Sonora-Mono Highway.

Danny T. Conlin, as the residual beneficiary and executor of the estate of Miriam E. Conlin applies to permit transfer of ownership of the Company from the estate to a newly formed California corporation named Conlin Strawberry Water Company, Inc.

There is no change in actual management. Danny T. Conlin has served as manager for many years, with the office of the Company at his residence.

In addition to removing the assets from the estate, the reason for incorporating at this time is to assure favorable action on the part of the Department of Health Services in approving the Company's application for a Safe Drinking Water Bond Act loan.<sup>1</sup> The Company has also applied to this Commission for necessary authorization to incur such indebtedness. That application is pending (Application (A.) 82-07-49). This application should be approved first, to avoid the necessity of modifying any order issued in A.82-07-49.

The most recent annual report on file is for 1981 (the 1982 report is not due yet). It shows the Company's water plant in service to be \$255,781.99.

We have received from the applicant a copy of a Judgment of Preliminary Distribution of the estate of Miriam E. Conlin filed by the Superior Court for Tuolumne County filed on May 11, 1981, which distributed the Company to Danny Conlin.<sup>2</sup> Since this distribution order has been made, we should authorize the Company to be transferred from Danny T. Conlin to the corporation, rather than from the estate to the corporation.

We find that it is in the public interest to authorize transfer of the assets of the Company from Danny T. Conlin to the corporation, and conclude that the application should be granted.

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<sup>1</sup> While there is no statute requiring a corporation for approval of the loan, the Department is empowered to make rules concerning the loans.

<sup>2</sup> Paragraph 1 of the order reads: "There is hereby distributed to DANNY CONLIN the decedent's going sole proprietorship business operated by the decedent and by the decedent's estate under the name "CONLIN STRAWBERRY WATER COMPANY", such business being a water company under the jurisdiction and control of the Public Utilities Commission of the State of California, together with all of the assets of such business and subject to all of the just and valid debts and obligations of such business; ..."

O R D E R

IT IS ORDERED that:

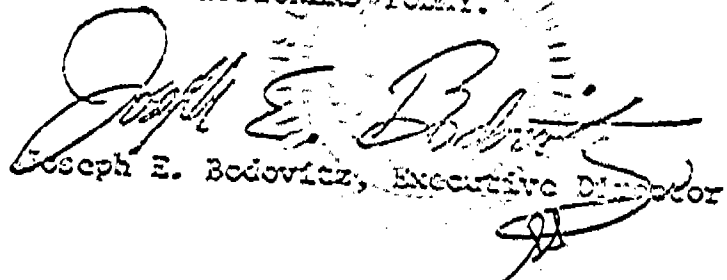
1. Danny T. Conlin, individually and doing business as Conlin Strawberry Water Company (Company), is authorized to transfer the assets and equipment of the Company to the Conlin Strawberry Water Company, Inc., subject to all just and valid debts and obligations.
2. The transfer shall be completed in 30 days, and Danny T. Conlin shall inform the Commission in writing when the transfer is completed.
3. This proceeding is terminated.

This order becomes effective 30 days from today.

Dated MAR 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS, TODAY.

  
Joseph E. Bodovitz, Executive Director