

ORIGINAL

Decision No. 88336 JAN 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Edward Ferritti dba
Parkwood Water Works to transfer
and the County of Madera to acquire
a water system.

Application No. 57585
(Filed September 22, 1977)

O P I N I O N

Edward Ferritti, dba Parkwood Water Works (Seller), pursuant to Section 851 of the Public Utilities Code, seeks authority to transfer, and the County of Madera (Purchaser), on behalf of Madera County Maintenance District No. 19, to acquire, the entire existing system of the Parkwood Water Works, situated within the county and serving approximately 256 flat rate customers.

The total purchase price of the system is \$60,000, which includes \$6,000 previously paid on an option to purchase. The County of Madera plans to finance the acquisition of the system through a grant and loan program for drought relief administered by the Farmers Home Administration of the United States Department of Agriculture. Applicants state that time is of the essence due to the need for qualifying under this grant and loan program.

A certificate of public convenience and necessity was granted to Everett M. Jones and Bert I. Jones by Decision No. 49390, dated December 1, 1953, in Application No. 34546, to construct this utility. It was sold to Edward Ferritti and Mary Elizabeth Ferritti under authority of Decision No. 58391 dated May 12, 1959, in Application No. 40963. Mary Elizabeth Ferritti is now deceased.

Seller desires to sell due to being unwilling to make improvements to the system which are desired by the users. The County of Madera is acquiring the system in order to make the desired improvements and to thereafter operate and maintain the system. County has formed an improvement district which will include the lots lying within the Parkwood Water Works' service area in order to assure funding for proper operation and desired improvements to the system.

Seller and Purchaser warrant that any and all consumer deposits or advances received by Seller prior to the effective date of the transfer shall be refunded when due by Seller. Purchaser shall not be liable for such deposits or advances. Applicants allege that customers have been notified of proposed sale by posting of notice in a conspicuous place. No protests to the proposed transfer have been received.

The Commission finds that the proposed transfer will not be adverse to the public interest. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A public hearing is not necessary. The application should be granted.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1978, Edward Ferritti may sell and transfer the water system and other assets referred to in the application to County of Madera, according to the terms and conditions attached to the application.
2. On or before the date of actual transfer, Seller shall refund all customer's deposits for the establishment of credit, if any, which are subject to refund.

3. Within ten days after the completion of the transfer Seller shall notify the Commission, in writing, of the date of transfer, of the refunding of the deposits, and of the date upon which Purchaser shall have assumed operation of the water system. A true copy of the instruments of transfer shall be attached to the notification.

4. Upon compliance with all of the terms and conditions of this order, Seller shall be relieved of its public utility obligations in connection with the water system transferred.

As time is of the essence, the effective date of this order is the date hereof.

Dated at San Francisco, California, this
17th day of JANUARY, 1978.

William Lyons Jr. President
James L. Sturgeon
Richard W. Haville
Claire T. Daniels Commissioners

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