

Decision No. 91031 NOV 20 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TIMOTHY O. WITT for  
an order authorizing transfer or  
change of ownership of COUNTRY LANE  
WATER CO., a public utility.

Application No. 59075  
(Filed August 16, 1979)

O P I N I O N

Timothy O. Witt (Purchaser) requests authority under Section 854 of the California Public Utilities Code to acquire and control Country Lane Water Company from Gladys Campbell, Stephen O. Witt, and Stuart O. Witt (Sellers), present owners, who join in the application and request.

Country Lane Water Company provides metered domestic water service to 229 residences and 2 businesses, and flat rate water service to one park and 10 fire hydrants in Tract 2965, located 5 miles northeast of Weldon, in Kern County, California.

A Certificate of Public Convenience and Necessity was granted to Orian Campbell and Gladys Campbell to construct the Country Lane Water Company system by Decision No. 71419, dated October 18, 1966, in Application No. 48155. There have been no Commission decisions transferring ownership of the system.

Orian Campbell, deceased December 9, 1976, bequeathed his interest in Country Lane Water Company to his wife, Gladys C. Campbell, for her life, with the remainder over to Stephen O. Witt and Stuart O. Witt, grandsons of the decedent. The will contained a provision that the utility was to be operated by Timothy O. Witt, who is married to Helen L. Witt, the daughter of Orian and Gladys Campbell.

On June 26, 1978, an order was entered in the probate proceedings on the estate of Orian F. Campbell which distributed ownership of the Country Lane Water Company as desired by decedent.

Timothy O. Witt has been associated with the Country Lane Water Company since its inception and has been operating manager since December 1976.

No consideration will pass as a result of this transfer.

Applicants pray that an order be made authorizing transfer of ownership and control of Country Lane Water Company from Gladys Campbell, Stephen O. Witt, and Stuart O. Witt to Timothy O. Witt. Sellers join in a request for approval of the application.

#### Discussion

This is simply an adjustment of ownership within a family to place ownership and control in the hands of the operator, who is the son-in-law of the original owners. Although applicant has filed for a transfer of control of a utility under Section 854 of the Public Utilities Code, we are issuing this order as a transfer of utility property under Section 851 since all appropriate facts are alleged.

#### Findings of Fact

1. Gladys Campbell, owner of an undivided one-half interest in the Country Lane Water Company, received, under decedent Orian Campbell's will, his one-half interest for life, with remainder over to Stephen O. Witt and Stuart O. Witt.
2. Timothy O. Witt, married to Helen L. Witt, the daughter of Orian and Gladys Campbell, has been operating manager of the utility since the death of Orian Campbell in December 1976.
3. Gladys Campbell, Stephen O. Witt, and Stuart O. Witt request transfer of ownership and control of the Country Lane Water Company to Timothy O. Witt, without remuneration.

4. The proposed transfer would not be adverse to the public interest.

Conclusions of Law

1. The application should be granted in accordance with the terms of the following order.
2. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Gladys Campbell, Stephen O. Witt, and Stuart O. Witt may transfer Country Lane Water Company to Timothy O. Witt.

2. As a condition of this grant of authority, Purchaser shall assume the public utility obligations of Sellers within the area served by the water system being transferred and shall assume liability for refunds of all existing customer deposits and advances pertaining to the water system being transferred. Purchaser shall send notice of the assumption of liability for refunds to all customers affected.

3. Within ten days after completion of the transfer, Purchaser shall notify the Commission, in writing, of the date of completion and of the assumption of the obligations set forth in paragraph 2 of this order.

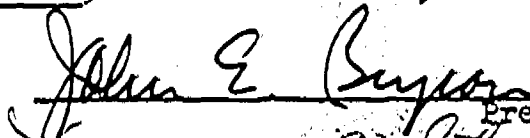
4. Purchaser shall either file a statement adopting the tariffs of Sellers now on file with this Commission or refile under its own name those tariffs in accordance with the procedures prescribed by General Order No. 96-A. No increase in rates shall be made unless authorized by this Commission.

5. On or before the date of actual transfer, Sellers shall deliver to Purchaser, and the latter shall receive and preserve, all records, memoranda, and papers pertaining to the construction and operation of the water system authorized to be transferred.



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

The effective date of this order shall be thirty days after the date hereof.

Dated NOV 20 1979, at San Francisco, California.

  
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President

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

  
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Commissioners