

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
W. P. CUNNINGHAM and F. B. R. CUNNINGHAM
doing business as a co-partnership under
the fictitious firm name and style of
SHERMAN WATER COMPANY, and COLONEL ED
FLETCHER, for an order authorizing the
sale of a portion of the Sherman Water
Company's water system, and in connection
therewith for an order authorizing a cut
in the main transmission line now used by
said Sherman Water Company.

ORIGINAL

Application No. 9441.

Masick, Burr and Pinney by W. P. Pinney
for applicants.

SHORE, Commissioner:

O P I N I O N

In this proceeding W. P. Cunningham and F. B. R. Cunningham, operating under the name and style of Sherman Water Company, ask authority to transfer to Colonel Ed Fletcher that portion of the system which supplies water for domestic purposes in and in the vicinity of the town of Sherman, Los Angeles County. It is also desired to cut the main transmission pipe line at a certain point and thereafter to operate as two independent utilities. Colonel Fletcher also joins in the application.

A public hearing in this matter was held in Los Angeles, after due notice thereof had been given so that all interested parties might appear and be heard.

The testimony shows that on July 31, 1923, an agreement was entered into by the parties to the above entitled application, for the sale of a part of the Sherman Water System, the

present owners desiring to retain that portion of the system located north and west of the town of Sherman, together with a proportionate interest in the franchise previously granted by the County of Los Angeles, the water sources in Franklin Canyon, and a greater part of the main transmission line.

The testimony further shows that Col. Fletcher will acquire the wells now owned by the Title Insurance and Trust Company located within the service area of the present system to take the place of the Franklin Canyon supply. The intention is to organize a water company which will later acquire Col. Fletcher's rights, will operate as a public utility, install an additional storage reservoir, and otherwise improve the system. Pending the acquisition of the wells owned by the Title Insurance and Trust Company and the installation of the proposed reservoir, Col. Fletcher will be allowed the use of the Franklin Canyon facilities.

No one appeared to protest the granting of the application, and the testimony indicates that the best interests of the public will be in no way jeopardized but on the contrary that the proposed transfer will eventually result in better service to all the consumers on the two systems.

The following form of order is recommended:

O R D E R

Joint application having been made by W. P. Cunningham and F. B. R. Cunningham, operating as a co-partnership under the name and style of Sherman Water Company, for authority to transfer to Colonel Ed Fletcher, who joins in the application, certain public utility property, more particularly described in the application herein and in accordance with the terms and conditions thereof,

a public hearing having been held thereon, and the Commission being now fully informed in the matter,

IT IS HEREBY ORDERED that the authority sought in the above entitled application be and it is hereby granted, subject to the following conditions:

1. The consideration given for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value of said property for rate fixing or any purpose other than the transfer herein authorized.
2. The authority herein granted shall apply only to such transfer as may have been made on or before December 31, 1923, and a certified copy of the instrument of conveyance shall be filed with this Commission by W. P. Cunningham and F. B. R. Cunningham within thirty (30) days from the date on which it is executed.
3. Within ten (10) days from the date on which W. P. Cunningham and F. B. R. Cunningham actually relinquish control and possession of the property herein authorized to be transferred, they shall file with the Commission a certified statement indicating the date on which such control and possession was relinquished.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this _____ day of November, 1923.

W. P. Cunningham
F. B. R. Cunningham
Dwight Martin
Egerton Shore

Commissioners.