

ORIGINAL

Decision No. 1995A.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
MILLER & LUX, INCORPORATED, a corpora-
tion, to discontinue supplying water
for domestic use to residents in the
so-called "MILLER & LUX COLONY" at
Firebaugh, California, in order to
enable applicant to transfer its water
system to its consumers, without charge.

Application No. 14402.

Vincent J. McGovern, for applicant.
David E. Peckinpah, for consumers.
Linnie Cooper, in propria persona.

BY THE COMMISSION:

O P I N I O N

In this proceeding Miller & Lux, Incorporated, a corporation, asks for authority to abandon and discontinue domestic water service to its consumers in the Miller & Lux Colony at Firebaugh, in Fresno County, or for authority to transfer the water works to the consumers without charge.

Public hearings in this matter were held before Examiner Satterwhite at Firebaugh.

As a result of negotiations between applicant herein, the consumers and representatives of the Commission, Miller & Lux agreed to install, and has now completed a new domestic water system including wells, tanks and pumping plants, so constructed as to adequately supply water of good quality to all former consumers now desiring such service.

In this proceeding applicant requests authority to transfer the entire system to said consumers without charge to them to be operated as a mutual water company and thereupon be relieved of any further obligations, if any, heretofore attached

to said service. The evidence shows that this arrangement is acceptable to the consumers and that it is in the public interest that this plant be owned and operated by the consumers. However, in view of the fact that as yet no mutual water company, or other similar body, has been duly formed and organized by the consumers, the proper procedure appears to be to authorize applicant herein to abandon the system and discontinue the service of water contingent upon the transfer of said water system to a legally constituted organization of the consumers within a reasonable period of time, as provided in the following order.

O R D E R

Miller & Lux, Incorporated, a corporation, having made application to this Commission for authority to abandon and discontinue its domestic water service to certain consumers near Firebaugh and to transfer said system to its consumers, public hearings having been held thereon, the matter having been submitted and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that Miller & Lux, Incorporated, a corporation, be and it is hereby authorized to discontinue, at any time within sixty (60) days from the date of this order, the domestic water service to its consumers in the so-called Miller & Lux Colony near Firebaugh, and that thereupon said Miller & Lux, Incorporated, shall stand relieved of all public utility obligations and liabilities in connection therewith, provided said Miller & Lux, Incorporated, prior thereto has transferred without cost by good and sufficient deed its newly installed water system as more particularly described in the application herein to a responsible organization of said consumers

duly formed under the laws of the State of California and legally capable of receiving title to said property; provided, further, that in the event said consumers shall fail or refuse to form such an organization within said period of sixty (60) days through no fault of said Miller & Lux, Incorporated, said service may thereupon be discontinued and said Miller & Lux, Incorporated, shall thereupon stand relieved of all public utility obligations and liabilities in connection therewith, subject, however, to the following terms and conditions:

1. In the event of a transfer of this property, as herein authorized, Miller & Lux, Incorporated, shall file with this Commission, within ten (10) days from the date of its execution, a certified copy of the final instrument of conveyance.
2. In the event of the transfer of the property, as herein authorized, Miller & Lux, Incorporated, shall file with this Commission a statement indicating the date upon which it relinquished control and possession of the property herein authorized to be transferred within ten (10) days after said control and possession are actually relinquished.
3. In the event that said consumers fail to duly form, within sixty (60) days from the date of this order, a responsible organization to receive title to the property herein authorized to be transferred and Miller & Lux, Incorporated, decides to discontinue further service, as provided above, said Miller & Lux, Incorporated, shall so notify this Commission, in writing, within seventy (70) days from the date of this order.

Dated at San Francisco, California, this 29th day
of June, 1928.

Ch. Seaver
Wm. E. Doherty
John D. Lott
W. A. Linn
Commissioners.