

Decision No. 22820

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J.W. CAIN, operating under the name of The Utilities Company of Novato and of A.J. CAIN for an order of the Railroad Commission of the State of California authorizing the former to sell and convey, and the latter to purchase, the properties referred to herein.

ORIGINAL

Application No. 16806.

BY THE COMMISSION:

ORDER

J.W. Cain, operating under the name of The Utilities Company of Novato and engaged in the business of supplying water and telephone service in the town of Novato, Marin County, California, and territory adjacent thereto, having made application to this Commission for authority to sell and convey to A.J. Cain, who joins in the application, all of said water and telephone properties and it appearing that this is not a matter in which a public hearing is necessary and that the request should be granted, now therefore

IT IS HEREBY ORDERED that J.W. Cain be and he is hereby authorized to sell and convey to A.J. Cain all those certain water and telephone properties as more particularly described in the agreement of sale dated August 7, 1930, entered into by and between said J.W. Cain and said A.J. Cain, attached to the application herein and marked Exhibit "A", under substantially the same terms and conditions as set forth therein, subject, however, to

the further following terms and conditions:

1. The authority herein granted shall apply only to such transfer as shall have been made on or before the thirty-first day of October, 1930, and a certified copy of the final instrument of conveyance shall be filed with this Commission by J.W. Cain within thirty (30) days from the date on which it is executed.
2. Within ten (10) days from the date on which J.W. Cain actually relinquishes control and possession of the properties herein authorized to be transferred, he shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
3. The consideration for the transfer herein authorized shall not be urged before this Commission or any other public body as a finding of value for rate-fixing or any purpose other than the transfer herein authorized.
4. The purchaser, A.J. Cain, shall file with this Commission, within thirty (30) days from the date of this Order, a written agreement by and between A.J. Cain and J.W. Cain wherein and whereby said A.J. Cain agrees to assume the responsibility, as of the date of the actual transfer of the properties herein authorized, of refunding to all consumers, when due, the amounts of all deposits heretofore made to J.W. Cain, The Utilities Company of Novato, and/or their predecessors in interest to guarantee payment of water bills, or for main extensions, meter and/or service connections, and/or any other purpose whatsoever.

IT IS HEREBY FURTHER ORDERED that, upon due and proper compliance with the terms and conditions of this Order as set forth in Paragraphs Nos. 1, 2 and 4 above, said J.W. Cain shall thereupon and thereby stand relieved of all public utility obliga-

tions and liabilities in connection with telephone and water service in the town of Novato, Marin County, California, and in the territory adjacent thereto.

Dated at San Francisco, California, this 2d day of September, 1930.

*C. Sawyer*

*Leon O'Connell*

*Wm. S. Lewis*

Commissioners.