

**ORIGINAL**Decision No. 23613.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of VAIL & BOHEIM WATER CO. for  
Permission to Sell.

Application No. 17189.

H. D. Vail, for Applicant, Seller.

C. F. Culver, for Downey County Water District.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding Vail & Boehim Water Co. make application to the Railroad Commission for authority to transfer its public utility water system supplying water to the residents of Tract No. 2707, Los Angeles County, to the Downey County Water District, a corporation, which joins in the application.

A public hearing in this matter was held before Examiner Satterwhite at Los Angeles, on March 26, 1931.

The evidence shows that this water system is owned and operated by H. D. Vail, Anna E. Vail and J. I. Boehim, who were granted a certificate of public convenience and necessity to operate said system by the Commission in its Decision No. 13467, dated April 24, 1924. Shortly thereafter, the fictitious name of Vail & Boehim Water Co. was adopted for convenience. The application was, therefore, amended to show the name of its owners, H. D. Vail, Anna E. Vail and J. I. Boehim, operating under the fictitious name of Vail & Boehim Water Co.

The Downey County Water District, a corporation organized and existing under and by virtue of the laws of the State of California,

entered into an agreement on June 30, 1930, to purchase from H. D. Vail, Anna H. Vail and J. I. Boehm, for \$85.00, the so-called Vail & Boehm Water Co. supplying water to the residents of Tract No. 2707, Los Angeles County. Connecting mains were installed and actual service taken over in July, 1930. Since that date, the consumers have received water from the Downey County Water District, paying therefor under the schedule of rates established by said District. It is to clear the title to this transaction that this application is filed.

No one appeared to protest the granting of this request and it appears, therefore, that it should be authorized.

#### ORDER

H. D. Vail, Anna H. Vail and J. I. Boehm, doing business under the name and style of Vail & Boehm Water Co., having made application to the Railroad Commission for authority to transfer their public utility water system supplying water to the residents of Tract No. 2707, Los Angeles County, to the Downey County Water District, a corporation, which joined in the application, a public hearing having been held before Examiner Satterwhite, and the Commission being of the opinion this application should be granted,

IT IS HEREBY ORDERED that H. D. Vail, Anna H. Vail and J. I. Boehm, doing business under the fictitious name and style of Vail & Boehm Water Co., be and they are hereby authorized to transfer to the Downey County Water District, a corporation, their public utility water system supplying water to residents of Tract No. 2707, Los Angeles County, subject to the following terms and conditions:

1. The authority herein granted shall apply only to such transfer as shall have been made on or before the first day of July, 1931, and a certified copy of the final instrument of conveyance shall be filed with this Commission by H. D. Vail, Anna H. Vail and J. I. Boehm; or Downey County Water District, a corporation, or in their

behalf, or in behalf of either thereof, within thirty (30) days from the date on which it is executed.

2. Within thirty (30) days from the date of this order, a certified statement indicating the date upon which control and possession of the properties herein authorized to be transferred were actually relinquished shall be filed by E. D. Vail, Anna H. Vail and J. I. Boehm, or by the Downey County Water District, or in their behalf, or in behalf of either thereof.
3. On or before the first day of July, 1931, E. D. Vail, Anna H. Vail and J. I. Boehm, doing business under the fictitious name of Vail and Boehm Water Co., shall refund to all their water consumers entitled thereto, all amounts due such consumers arising from deposits made to guarantee payments of water bills, or for main extensions, meter and/or service connections, and/or any other purpose whatsoever, and they shall file with this Commission, on or before said first day of July, 1931, a duly executed affidavit setting forth a list of all consumers to whom refunds, as set forth above, are due as of the date of this order, together with the amount of each refund and the date that each such refund has been fully paid to the consumers entitled thereto; provided, however, that in the event there are no consumers entitled to refunds, as set out above, the affidavit should so state.

The authority herein granted shall become effective only upon the full compliance with the terms and conditions as set forth in the above paragraphs.

Dated at San Francisco, California, this 20<sup>th</sup> day of April, 1931.

Cl. Seaver

Leon Whittell

M. H. Lee

M. B. Harris

Fred G. Stevens  
Commissioners.