

ORIGINAL

Decision No. 23906

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Petition of M.J. Pellascio and George Cremonini to be permitted to purchase the Point Arena Water Works, and to operate the same as a public utility, from the estate of Walter S. Meyers, also known as W.S. Meyers, deceased.

Application No. 17392.

M.J. Pellascio, in propria persona.  
George Cremonini, in propria persona.  
J.W. Kingren, attorney, for the  
Estate of W.S. Meyers, deceased.

BY THE COMMISSION:

O P I N I O N

M.J. Pellascio and George Cremonini, a co-partnership, have applied to this Commission for authority to purchase the public utility water supply system and business known as the Point Arena Water Works from the Estate of Walter S. Meyers, also known as W.S. Meyers, deceased, said estate also joining in the application.

A public hearing in this matter was held at Point Arena before Examiner Kennedy and no protest was entered against the granting of the request prayed for.

The evidence shows that on April 15, 1931, the said Pellascio and Cremonini entered into an agreement with W.S. Meyers, now deceased, for the purchase of all the real property owned by said Meyers at Point Arena, together with the entire plant equip-

ment and public utility business of the said Point Arena Water Works, for a cash consideration of \$14,000. Meyers died before consummation of the said agreement could be effected, and thereafter, upon petition duly filed, the Superior Court of the State of California, in and for the County of Mendocino, issued to the executrix of this estate its Order No. 5141 authorizing her to specifically perform the provisions of the above agreement for the transfer of the properties at Point Arena, including the water works and its appurtenant rights.

It should be pointed out in connection with this proceeding that upon complaint of the Board of Trustees of the City of Point Arena a formal proceeding was held before this Commission involving the question of poor and inadequate service theretofore rendered and being rendered by Point Arena Water Works. As a result of this complaint, the Commission on the thirteenth day of April, 1931, issued its Decision No. 23604 in Case No. 2978, wherein and whereby W.S. Meyers, as owner and operator of the water system, was directed to install certain improvements to his water system as follows:

"IT IS HEREBY ORDERED that W.S. Meyers, operating the water supply system known as Point Arena Water Works, be and he is hereby directed to file with this Commission subject to its approval, within thirty (30) days from the date of this order, detailed plans for the installation of improvements to said water works which will remedy the existing conditions of inadequate and improper service, and that, upon approval thereof by this Commission, the installation of said improvements shall proceed immediately and without unnecessary delay and be completed and in operation in a manner satisfactory to this Commission on or before June 30, 1931; said improvements shall embrace and include the following items:

- (1) Additional water shall be obtained from springs or well sources such as to enable

this system to supply an adequate and proper water service to all its consumers.

- (2) Replace the present one (1) inch distribution pipe main on Mill Street with a standard screw pipe not less than two (2) inches in diameter, connecting with existing three (3) inch distribution pipe main on Main Street.
- (3) Replace the present small diameter distribution pipe main supplying certain consumers on Laurel Street with a standard screw pipe not less than two (2) inches in diameter connecting with the existing three (3) inch distribution pipe main on Main Street.
- (4) Replace the existing pipe main on Main Street southerly from Mill Street with a standard screw pipe not less than two (2) inches in diameter.
- (5) Install at the 40,000-gallon tank a suitable by-pass pipe line with gate valves to connect the transmission line from the springs with the outlet distribution pipe line, to enable said tank to be cleaned without the necessity of shutting off water service."

Unfortunately, the serious illness and death of said W.S. Meyers prevented the fulfillment of the requirements of this order.

Applicants Cremonini and Pellascio, the latter of whom is now one of the members of the Board of Trustees of the City of Point Arena and, as such, was one of the original complainants in Case No. 2978, have testified in this proceeding that they are not only ready and willing to comply fully with the requirements of said order in Decision No. 23604 but have already replaced many of the existing inadequate mains by pipe lines larger in diameter than specified by the terms of the Commission's order and that to date they have already expended in excess of \$900 in connection with these improvements. There were no protests filed or made by

any of the consumers against the transfer of this property, the testimony indicating that all water consumers and residents of Point Arena interested in obtaining a better class of service for the community are in favor of the granting of this transfer. In view of the willing attitude of the proposed purchasers to provide the much-needed improvements, including additional water for use of consumers on this system, it is clear that it is to the best interests of the public to authorize the sale of this water works. However, in view of the fact that the order of the Commission in said Decision No. 23604 has been issued and has not as yet been fully complied with in all particulars and it appearing that the conditions set out therein are still reasonable, proper and necessary for the providing of adequate service to the consumers, it is apparent that the final completion of the transfer of these properties should be made contingent upon the full compliance by applicants Cremonini and Pellascio with the terms and conditions of Paragraphs (1) to (5), both inclusive, of said decision.

O R D E R

Application having been made as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the premises,

IT IS HEREBY ORDERED that the Estate of Walter S. Meyers, also known as W.S. Meyers, deceased, be and it is hereby authorized to transfer to M.J. Pellascio and George Cremonini, a co-partnership, that certain public utility water system known as the Point Arena Water Works, as said water system is more particularly de-

scribed and set forth in the application herein and in Order No. 5141 entitled "ORDER DIRECTING EXECUTRIX TO COMPLETE CONTRACT," as issued by the Superior Court of the State of California, in and for the County of Mendocino, a certified copy thereof having been filed as an exhibit in this proceeding.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall be 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 thirtieth day of September, 1931, and a certified copy of the final instrument of conveyance shall be filed with this Commission by the Estate of Walter S. Meyers, deceased, within thirty (30) days from the date on which it is executed.
2. Within ten (10) days from the date on which the Estate of Walter S. Meyers, deceased, actually relinquishes control and possession of the property herein authorized to be sold, it shall file with this Commission a certified statement indicating the date on 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.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall be contingent upon compliance on or before the thirtieth day of September, 1931, by M.J. Pellascio and George Cremonini, a co-partnership, in a complete and reasonable manner, with the terms and provisions of Paragraphs (1), (2), (3), (4) and (5) of the order of this Commission issued in its Decision

No. 23604 in Case No. 2978 and dated the thirteenth day of April, 1931, said case being entitled "Board of Trustees of the City of Point Arena, Ed Fredetti, Mayor, C.F. O'Brien, C.L. Kendell, M.J. Pellascio, C.J. Buchanan, Complainants, vs. W.S. Meyers, Defendant," and upon the issuance by this Commission of written acceptance and approval thereof.

Dated at San Francisco, California, this 24th day of July, 1931.

Clarence

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M B Harris

Fred G. Stewart  
Commissioners