

EE

Decision No. 7664

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

---oOo---

ORIGINAL

In the Matter of the Application of )  
WINTERHAVEN IMPROVEMENT COMPANY, a )  
Corporation, and the YUMA LIGHT, GAS ) Application No. 5745  
and WATER COMPANY, a Corporation, for )  
Authorization to Sell and Buy Certain )  
Electrical Property. )

BY THE COMMISSION:

O P I N I O N

This is an application for authority by Winterhaven Improvement Company to sell and Yuma Light, Gas and Water Company to purchase an electrical distribution system located in the townsite of Winterhaven, Imperial County.

Winterhaven Improvement Company owns and operates an electrical distribution system in the town of Winterhaven, Imperial County, and supplies therefrom certain consumers with electricity. Yuma Light, Gas and Water Company owns and operates an electrical distribution system in the adjoining territory, supplying certain other consumers with electricity, and also the Winterhaven Improvement Company with electricity, which the latter distributes over its own system.

It appears that the Winterhaven Improvement Company is unable to give proper service on account of the small num-

ber of consumers it supplies and the Yuma Light, Gas and Water Company, by reason of its service to a larger number of consumers in the immediate vicinity, will be better able to supply proper service to the inhabitants of Winterhaven.

The application states that the property to be transferred cost originally about \$1500 and that the present value thereof is \$1000.

The parties hereto entered into an agreement, dated May 15th, 1920, by which Winterhaven Improvement Company agrees to sell its entire electrical equipment to the Yuma Light, Gas and Water Company for a consideration of \$1000. The agreement sets forth a detailed description of the electrical distribution system, equipment, machinery and appurtenances to be transferred, and further provides for the transfer of such rights, permits or franchises now held and enjoyed by Winterhaven Improvement Company. The agreement is signed by the owners of more than two-thirds of the outstanding capital stock of Winterhaven Improvement Company consenting to the proposed sale of its property.

#### O R D E R

The Railroad Commission of the State of California being of the opinion that the granting of the authority herein sought will be in the public interest, and that a hearing is not necessary in this matter,

IT IS HEREBY ORDERED that Winterhaven Improvement Company be, and it is hereby, authorized to sell the electri-

cal properties described in the agreement attached to the application herein to Yuma Light, Gas and Water Company.

IT IS HEREBY FURTHER ORDERED that Yuma Light, Gas and Water Company be, and it is hereby, authorized to purchase said electrical properties for the sum of \$1,000 in cash.

The authority herein granted is upon the following conditions and not otherwise:

1. Within 60 days after the acquisition of the electrical properties of Winterhaven Improvement Company, Yuma Light, Gas and Water Company shall file with the Railroad Commission, for approval, a stipulation duly authorized by its Board of Directors declaring that Yuma Light, Gas and Water Company, its successors and assigns, will never claim in any proceeding of any character before the Railroad Commission or any other public authority any value for the franchises or permits which Yuma Light, Gas and Water Company may acquire from Winterhaven Improvement Company in excess of the amount paid by the original grantee of such franchises or permits to the public authority granting the same, which amount shall be specified in said stipulation.

2. The consideration at which the public utility properties are herein authorized to be transferred shall not be considered as a measure of value of said properties for rate-making or any purpose other than the transfer herein authorized.

3. The authority herein granted will apply only to such transfer as may be made on or before 60 days from the date of this order.

IT IS HEREBY FURTHER ORDERED that Yuma Light, Gas and Water Company shall file with the Railroad Commission within 20 days from the date of acquisition of the electric system of the Winterhaven Improvement Company, such amendments to its schedules of electric rates now on file with the Railroad Commission as shall be necessary to extend said rate schedules to the service of consumers thus acquired.

Dated at San Francisco, California, this

8<sup>th</sup> day of June, 1920.

Edwin O. Edgerton  
H. S. Leonard  
George Martin

Commissioners.