

Decision No. 8667.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
HUNTINGTON PARK REALTY COMPANY and)
the CITY OF SAN BRUNO for permission)
to sell and purchase the water works)
system and plants supplying water to)
the City of San Bruno, County of)
San Mateo, State of California.)

Application No. 6431.

J. F. Davis, City Attorney, for
City of San Bruno.
R. E. Smith for Huntington Park
Realty Company.
C. L. Rockhill in propria persona,
protestant.

BY THE COMMISSION.

O P I N I O N

This is a proceeding in which the Huntington Park Realty Company, a municipal corporation owning and operating a public utility water system supplying residents in the city of San Bruno, San Mateo County with water, makes application for authority to sell said system to the City of San Bruno, and said City of San Bruno joins in said application, asking for authority to purchase said system at an agreed price of \$37,500.

A public hearing was held in this matter before Examiner Satterwhite, and the evidence shows that following negotiations between representatives of the utility and the City of San Bruno resulting in an agreed purchase price of \$37,500 for the water system in its entirety, the Board of Trustees of the City of San Bruno passed and adopted resolutions authorizing and providing for the purchase of said system. A copy of said agreement as executed, together with a copy of the bargain and

sale deed was introduced in evidence as applicant's Exhibit B, reference to which is hereby made for the terms of the purchase.

Evidence was introduced that an action had been brought in the courts to enjoin the acts and proceedings of said Board of Trustees in this matter, but that a decision has been rendered denying the injunction. It was further shown that notice of appeal had been filed in the Supreme Court and was pending at the time of the hearing.

With relation to the authority of the Railroad Commission in this matter, however, we find after careful consideration of all the evidence and the facts submitted that there is no good and sufficient reason for denying applicants the authority herein sought, under the terms and at the price indicated in the agreement.

O R D E R

Application having been made to the Railroad Commission as entitled above, wherein Huntington Park Realty Company and the City of San Bruno join in an application for authority to transfer certain public utility property from the former to the latter, the property to be transferred and the terms and conditions of the transfer being more particularly described in a certain agreement and bargain and sale deed introduced in evidence as applicant's Exhibit B;

A public hearing having been held and the Railroad Commission being fully advised in the premises;

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby granted, subject to the following conditions:

- (1) The property to be transferred and the terms and conditions of said transfer shall be as described in Applicant's Exhibit B, which was introduced in evidence at the hearing herein.

- (2) The consideration given for the transfer of said public utility property shall not be urged before this Commission or any other public body as a finding of value of said properties for rate fixing or any purpose other than the transfer herein authorized.
- (3) The authority herein granted to transfer public utility property shall apply only to such transfer as may have been made on or before June 1, 1921, and a certified copy of the instrument of conveyance transferring the property herein authorized to be transferred shall be filed by the Huntington Park Realty Company with the Railroad Commission within thirty (30) days of the date on which it is executed.
- (4) Within ten(10) days of the date on which Huntington Park Realty Company actually and legally relinquishes control and possession of the properties herein authorized to be transferred, said company shall file a statement with the Railroad Commission indicating the date on which such control and possession was actually relinquished.

Dated at San Francisco, California, this 23rd
day of February, 1921.

H. Loveland
Frank Quinn
H. B. Bridges
Living Martin
Charles Howard

Commissioners.