

Decision No. 21905

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
UNITED WATER SERVICE COMPANY for
certificate of public convenience
and necessity to operate a domestic
water supply system as a public
utility and a permit to issue stock
and to purchase a domestic water
supply system from Frank Delaney.

}
} Application No. 21905
}

ORIGINAL

Harris, Willey, Griffith and Harris, for applicant

BY THE COMMISSION:

O P I N I O N

In this proceeding United Water Service Company, a corporation organized under and by virtue of the laws of the State of California, asks permission to issue \$4,592.00 par value of its common capital stock in payment for water properties, and asks for a certificate of public convenience and necessity to operate a public utility water system.

The Commission, by decision No. 30740, dated April 4, 1938, in application No. 21689, granted Frank Delaney a certificate of public convenience and necessity to sell and distribute water as a public utility in those certain tracts of land more particularly described as Beverly Park and Beverly Park No. 2 and also known as the West one-half of lot 16 and the East one-half of lot 15 of Gould Ranch in Section 27, township 13 South, Range 20 East, N. D. B. & M., situate adjacent to and northeasterly of the City of Fresno in Fresno County and as delineated upon the maps filed as Exhibit A and Exhibit B in said application no. 21689. The Commission's order provides that the authority therein granted

will become effective only upon the filing with the Commission of a proper franchise, permit or consent granted by the Board of Supervisors of the County of Fresno or its delegated agent for the construction, maintenance and operation of pipe lines and other water producing and distributing facilities, in, on, and/or across county roads, highways and alleys within the service area in which Frank Delaney is authorized to serve water as a public utility. Inasmuch as he has not filed such franchise, permit, or consent, the order of the Commission has not yet become effective.

Applicant, in its petition, asks permission to issue \$4,592.00 par value of stock to acquire the water properties which are described in said decision No. 30740. It alleges that upon the acquisition of such properties it will perform the acts required of Frank Delaney by that decision as a condition precedent to the effectiveness of the certificate of public convenience and necessity granted to him. The order herein will authorize Frank Delaney to transfer to United Water Service Company such rights and privileges as he may have been granted under the order in said decision No. 30740. Upon applicant's compliance with the order in said decision, it will possess the necessary certificate of public convenience and necessity to operate a public utility water system. It should, of course, be understood that if applicant desires to operate a public utility water system in any territory other than that described in the certificate of public convenience and necessity granted to Frank Delaney, it should file an appropriate application for a certificate of public convenience and necessity to operate a public utility water system in that area.

O R D E R

The United Water Service Company, having asked permission to issue \$4,592.00 par value of its common capital stock to acquire water properties, and to operate a public utility water system, and the Commission being of the opinion that this is not a matter on which

a public hearing is necessary, and that the money, property or labor to be procured or paid for by the issue of said stock is reasonably required by the applicant for the purposes herein stated, and that the expenditures for such purposes are not in whole or in part reasonably chargeable to operating expenses, or to income, therefore,

IT IS HEREBY ORDERED that United Water Service Company be, and it is hereby, authorized to issue on or before October 1, 1938 at par \$4,592.00 par value of its common capital stock in payment for the water properties and the certificate of public convenience and necessity (not yet effective) described in and granted by decision No. 30740, dated April 4, 1938, which properties and certificate of public convenience and necessity, Frank Delaney is hereby authorized to transfer to United Water Service Company.

IT IS HEREBY FURTHER ORDERED that United Water Service Company may, after it complies with the order in said decision No. 30740, dated April 4, 1938, operate said properties as a public utility water system.

IT IS HEREBY FURTHER ORDERED that the time allowed said Frank Delaney and his successor, United Water Service Company, by said decision No. 30740, to file rates, rules and regulations be, and the same is hereby extended to June 30, 1938.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the acquisition of the aforesaid properties, United Water Service Company shall file with the Railroad Commission a copy of the deed or other instrument under which it acquires and holds title to said properties, together with a statement showing the amount of stock issued in payment therefor.

DATED at San Francisco, California this 23^d day of Mar. 1938.

Arthur M. Brown
John A. Whalley
FRANK M. BROWN
Ray A. Wakefield
W. L. Allen
COMMISSIONERS