

Decision No. 31579

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of BANK OF AMERICAN NATIONAL TRUST AND SAVINGS ASSOCIATION, a national banking association, and CALIFORNIA WATER SERVICE COMPANY, a corporation, for (1) an order authorizing the transfer from Bank of America National Trust and Savings Association to California Water Service Company of the water system now serving Brittan Acres Subdivision, and (2) a certificate that public convenience and necessity require the extension of the plant and system of California Water Service Company now serving water to the Town of San Carlos and vicinity to Brittan Acres Subdivision.

Application
No. 22138.

Carl F. Mau, for California Water
Service Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding Bank of America National Trust and Savings Association asks the Commission to authorize the transfer of a water distributing system in the Town of San Carlos in San Mateo County to California Water Service Company; which latter concern asks for a certificate of public convenience and necessity to operate a public utility water system in the area covered by the water works to be acquired as well as in certain adjacent and adjoining territory all lying within the corporate limits of the Town of San Carlos.

Public hearings in this matter were held at San Carlos before Examiner M. R. MacKall.

According to the evidence, Bank of America National Trust and Savings Association owns certain water supply facilities which were installed in 1934 to serve Brittan Acres Sub-

division in the Town of San Carlos. Temporary water service, up to the present at no cost to the consumers, has been furnished to residents of this tract but, with its increasing development, the water supply has become inadequate. California Water Service Company, which operates a large number of utility water systems in the peninsula including the Town of San Carlos, has agreed to take over operation and control of the present pipe lines and to install additional facilities to serve adjoining territory.

An amended application was filed revising the boundaries in which the California Water Service Company desires to serve water. This was done in order to establish definitely the service area of this Company with especial reference to the territorial limits of two water utilities serving in adjoining subdivided tracts. The area proposed to be served by this Company consists of four separate tracts, Brittan Acres No. 1, Brittan Acres No. 2, Sunset Highlands Map No. 2 and Howard Park No. 2. The consumers in this area will be served at the same rates and under the same rules and regulations effective in the San Carlos Division of California Water Service Company. This company shall file without delay the necessary revisions in its San Carlos Division service area tariffs, rules and regulations to embrace service within the newly certificated area.

California Water Service Company has the necessary permit from the Town of San Carlos to occupy the streets with water mains. No one protested against these requests and it appears to be to the best interest of the public that they be granted.

O R D E R

Application having been filed with the Railroad Commission as entitled above, public hearings having been held thereon, the matter having been duly submitted and the Commission being now fully advised in the premises,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation by California Water Service Company, a corporation, of a water works in Brittan Acres No. 1, Brittan Acres No. 2, Sunset Highlands Map No. 2, and Howard Park No. 2, Town of San Carlos, San Mateo County, as these subdivisions are more particularly set forth and delineated upon the map attached to the amended application and designated Exhibit "A" and which is hereby made a part of this Order by reference, at the rates and subject to the rules and regulations of said applicant, California Water Service Company, now in effect in the Town of San Carlos.

IT IS HEREBY ORDERED that Bank of America National Trust and Savings Association, a national banking association, be and it is hereby authorized to sell to California Water Service Company that certain water system now being operated in Brittan Acres, Town of San Carlos, in San Mateo County, substantially in accordance with the terms and agreements set forth in that certain deed and contract attached to the application herein and marked Exhibits "1" and "3," respectively, and made a part of this Order by reference.

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be and it is hereby granted to said California Water Service Company, a corporation, to operate a water system within the area set forth above.

IT IS HEREBY FURTHER ORDERED that the above authority is granted 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 1st day of March, 1939, and a certified copy of the final instrument of conveyance shall be filed with this Commission by Bank of America National Trust and Savings Association within thirty (30) days from the date on which it is executed.
2. Within ten (10) days from the date on which said Bank of America National Trust and Savings Association actually relinquishes control and possession of the property herein authorized to be transferred, it shall file with this Commission a certified statement indicating the date upon which such control and possession are 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.
4. The authority herein granted will become effective upon compliance with conditions 1 and 2 of this Order.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th day of December, 1938.

Robert H. Boyd
Leon A. White
Francis R. Miller

[Signature]
COMMISSIONERS.