

Decision No. 31598

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of  
MOKELUMNE RIVER POWER AND WATER  
COMPANY, a private corporation,  
to sell, and of CALAVERAS PUBLIC  
UTILITY DISTRICT to purchase, the  
physical operative properties of  
said Mokelumne River Power and Water  
Company, including its public  
utility water system, reservoirs,  
ditches, water rights and distribut-  
ing system. (Not including franchise  
and non-operative properties.)

Application No. 22456.

Petition for sale of  
water system and physical  
operative properties;  
also discontinuance of  
public utility water  
service.

BY THE COMMISSION:

OPINION AND ORDER

In this application Mokelumne River Power and Water Company, a corporation, engaged among other activities in the public utility water service business in Calaveras County, asks for authority to sell its physical operative properties including its water system, reservoirs, ditches, water rights and distributing system (but not including its franchise nor its non-operative properties) to Calaveras Public Utility District, which joins in the application. Coincident with such transfer of said properties and system, Mokelumne River Power and Water Company requests permission to discontinue all public utility water service.

By Decision No. 25768, dated March 27, 1933, in Application No. 17384, this Commission authorized Mokelumne River Power and Water Company to discontinue its public utility

water service on and after the first day of May, 1933, subject to certain conditions. The date for said discontinuance subsequently has been extended from time to time, pursuant to requests by applicant, the Commission's last order therein having extended the time to and including the thirty-first day of December, 1938. Reference is hereby made to said Decision No. 25768 for a more detailed description of this system and its operating conditions.

Calaveras Public Utility District is a public corporation organized for the purpose of purchasing, rehabilitating, and extending the water distribution system of said Mokelumne River Power and Water Company in order to serve water to the towns of Mokelumne Hill and San Andreas and contiguous territory in Calaveras County. It appears that said District has been allotted and given a Federal grant in the sum of \$112,500 and has recently voted a bond issue of \$137,500, making available \$250,000 for the acquisition of said water system and properties, the rehabilitation thereof and the extension of the present ditches and service lines to the town of San Andreas and vicinity.

Attached to the application and marked Exhibit "A" is a copy of an option to said District for the purchase of said water system, water rights, reservoirs, ditches, rights, properties and easements therein described for the purchase price of \$20,000 payable on or before January 1, 1939. Also accompanying the application is a copy of Resolution No. 38, passed and adopted by the Board of Directors of said District, authorizing the exercise of said option and making the application herein.

It is evident that it is to the best interests of the community served and to be served that authority be given to transfer the system and properties as requested and that this is

not a matter on which a hearing is necessary.

Now, therefore, IT IS HEREBY ORDERED that Mokelumne River Power and Water Company, a corporation, be and it is hereby authorized to sell and transfer to the Calaveras Public Utility District, a public corporation, its public utility water system serving the town of Mokelumne Hill and vicinity, in Calaveras County, substantially in accordance with the terms, conditions and descriptions set forth in Exhibit "A" attached to the application herein and hereby made a part of this Order by reference, and

IT IS HEREBY FURTHER ORDERED as follows:

1. That Mokelumne River Power and Water Company file with this Commission within sixty (60) days from the date of this Order a certified copy of each final instrument of conveyance of the properties herein authorized to be transferred.
2. That concurrently with the transfer of said properties to Calaveras Public Utility District, Mokelumne River Power and Water Company be and it is hereby relieved from its obligations to operate a public utility water system.

This Order shall become effective immediately.

Dated at San Francisco, California, this 27<sup>th</sup>  
day of December, 1938.

*Rafael*  
*Frank*  
*J. P. Kelly*  
COMMISSIONERS.