

Decision No. 32880

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Mrs. Fred F. Dusterberry, for Permission to transfer Part of the Water System of said Mrs. Fred F. Dusterberry at Centerville.

Application No. 23040

BY THE COMMISSION:

O P I N I O N

In this proceeding, Mrs. Fred F. Dusterberry has applied to the Railroad Commission for an order authorizing her to sell to the Alameda County Water District, which joins in this application, all of her water system except the well, pumping unit, tank and pipes located on the pumping plant and well site property. These water facilities will not be required by the District.

Mrs. Fred F. Dusterberry, since the death of her husband three years ago, has been engaged in the business of supplying water for domestic purposes to about a dozen consumers in the Town of Centerville in Alameda County. For the year 1938 she reported operating revenues of \$380.25 from the sale of water and operating expenses of \$145.54, leaving a net operating revenue of \$234.71. The operating expenses as reported include no charge for depreciation. At the end of 1938 she reported the total cost of her plant and equipment as \$2,090.

The Alameda County Water District,\* a corporation, is a county water district duly organized and existing under the County Water District Act of the State of California. The said District

\* Note: Hereinafter referred to as the District.

is authorized to own and operate, and does own and operate, a water system for the furnishing of water for domestic and other purposes to inhabitants within its boundaries which embrace an area in Alameda County including a large area of agricultural land and several towns, such as Alvarado, Centerville, Irvington and Newark. It also serves water to customers along the water mains which connect the various parts of its system.

The service area of the Dusterberry Water Works in Centerville is included within the District's boundaries. The Board of Directors of said District, on September 2, 1939, passed a resolution looking toward the acquisition of the Dusterberry plant for the sum of \$500. A copy of the resolution is attached to the application. It provides, among other things, that the deed conveying the property from Mrs. Dusterberry to the District shall recite "that said District assumes any and all public utility obligations of said public utility connected with the furnishing of water to customers for domestic use."

The District has for several months operated a former public utility water system supplying most of Centerville and is now in a position to provide immediate water service to the entire community including all of Mrs. Dusterberry's customers. According to the record, Mrs. Dusterberry holds no consumers' deposits subject to refund and she is willing and anxious to be relieved as soon as possible of all further public utility duties and responsibilities in connection with water service in Centerville. There being no protest and the request appearing to be to the best interests of the public, the authority requested will be granted.

#### O R D E R

Mrs. Fred F. Dusterberry having applied to the Railroad Commission for permission to sell her water system in Centerville to the Alameda County Water District, the Commission having considered

applicant's request and the Commission being of the opinion that a public hearing in this matter is unnecessary, and that the request of applicant should be granted, therefore,

IT IS HEREBY ORDERED that Mrs. Fred F. Dusterberry be and she is hereby authorized to sell and transfer on or before February 1, 1940, her public utility water system in Centerville to the Alameda County Water District, said sale to be made pursuant to the terms and conditions of the Resolution of the Board of Directors of said District filed in this proceeding.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the sale and transfer of her public utility water properties to Alameda County Water District, Mrs. Fred F. Dusterberry shall file with this Commission:

- (a) A statement showing the exact date upon which she relinquished possession and control of her water system; and,
- (b) A report covering her operations during 1939 from January 1 to the date she relinquished possession and control of her water system.

IT IS HEREBY FURTHER ORDERED that within sixty (60) days from the date of this Order, Alameda County Water District shall file with this Commission a copy of the deed of conveyance for the properties herein authorized to be transferred.

IT IS HEREBY FURTHER ORDERED that concurrently with the sale and transfer of her public utility water properties to Alameda County Water District, Mrs. Fred F. Dusterberry be and she is hereby relieved of the obligation to operate said properties as a public utility water system.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of December, 1929

R. B. ...  
...  
R. L. ...  
...

Commissioners.