

Decision No. 33288

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN JOSE WATER WORKS, a corporation,
and of ROBERT C. HOPKINS and GENEVIEVE
CALLISON HOPKINS, for an order au-
thorizing San Jose Water Works to purchase,
and Robert C. Hopkins and Genevieve
Callison Hopkins to sell and convey, the
domestic water system commonly known as
"Winchester Homesites P. P."

Application No. 23288

BY THE COMMISSION:

O R D E R

Robert C. Hopkins and Genevieve Callison Hopkins own and operate a public utility water system under the fictitious firm name and style of the Winchester Homesites Pumping Plant, and supply water for domestic and irrigation purposes to residents in the Neal Avenue district which is located about one and one-half miles north of the Town of Campbell in Santa Clara County. Authority is requested to sell and transfer to San Jose Water Works, a public utility corporation, which joins in the application, that portion of said system used in the distribution of water for domestic purposes only. It appears that this is not a matter in which a public hearing is necessary and that the application should be granted, and

IT IS HEREBY ORDERED that Robert C. Hopkins and Genevieve Callison Hopkins be and they are hereby authorized to sell and transfer to San Jose Water Works, a corporation, which is hereby authorized

to purchase and acquire, the distribution facilities used in supplying water for domestic purposes to residents along and in the vicinity of Neal Avenue in the County of Santa Clara, said facilities being more particularly described in Exhibits "A" and "D" and said sale to be made substantially in accordance with the terms and conditions of the indenture set forth in Exhibit "E," said exhibits being attached to the application herein and hereby made a part of this Order by reference, subject, however, to the following terms and conditions:

1. The authorization herein granted shall apply only to such transfer as shall have been made on or before the first day of June, 1940, and a certified copy of the final instrument of conveyance shall be filed with this Commission by Robert C. Hopkins and Genevieve Callison Hopkins within thirty (30) days from the date upon which said instrument is executed.
2. Within ten (10) days after the date on which Robert C. Hopkins and Genevieve Callison Hopkins actually relinquish control and possession of the property herein authorized to be transferred, they shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
3. On or before the first day of May, 1940, Robert C. Hopkins and Genevieve Callison Hopkins shall refund all amounts for deposits, if any, made by their consumers for main extensions, meter or service connections, and/or any other purposes.
4. On or before the tenth day of May, 1940, Robert C. Hopkins and Genevieve Callison Hopkins shall file with this Commission a certified statement to the effect that the terms and conditions of paragraph 3 herein have been complied with.
5. 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 for any purpose other than the transfer herein authorized.

IT IS HEREBY FURTHER ORDERED:

6. That upon due compliance with the terms and conditions set forth above, Robert C. Hopkins and Genevieve Callison Hopkins be and they are thereupon and thereby relieved of all further public utility obligations and liabilities in connection with the domestic water system herein authorized to be transferred.
7. That San Jose Water Works be and it is hereby authorized and directed to place in effect throughout the system herein authorized to be acquired and in the area served or to be served therewith its presently effective rates, rules and regulations for water service.
8. That, within ten (10) days after the date upon which it actually assumes control and possession of the property herein authorized to be transferred, San Jose Water Works shall file with this Commission, in quadruplicate, a rate filing indicating that its presently effective schedule of rates, rules and regulations applies to the service area heretofore established for domestic water service for the property authorized to be acquired herein, together with not less than four copies of a suitable map or sketch, approximately 8-1/2 inches by 11 inches in size, delineating thereupon in distinctive markings the said service area.

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

Dated at Los Angeles, California, this 26th day of March,
1940.

Ray L. Kelley
Frank A. Winter
Ralph A. Johnson
W. H. Miller
Justin J. Cameron
Commissioners