

Decision No. 33678

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

SIERRA WATER SERVICE COMPANY,
a corporation,

and

CALIFORNIA WATER SERVICE COMPANY,
a corporation,

for (1) an order authorizing the transfer from Sierra Water Service Company to California Water Service Company of the water system now operated by the Sierra Water Service Company and (2) a certificate of public convenience and necessity requiring the extension of the plant and system of California Water Service Company now serving water to a portion of the Town of San Carlos to the area now served by the Sierra Water Service Company.)

ORIGINAL

Application No. 23717

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Commission by Decision No. 33678, dated November 26, 1940, authorized Sierra Water Service Company to sell and convey, on or before March 1, 1941, to California Water Service Company the properties described in Exhibit 4, such properties to be sold and conveyed subject to the terms and conditions of the agreement filed in this proceeding as Exhibit 1.

On February 13, 1941, applicants filed a supplemental petition in which they recite that the agreement filed as Exhibit 1 is no longer effective since counsel for California Water Service Company did not approve of the franchises, operative rights and of the condition of the title of Sierra Water Service Company to its properties. Arrangements

have been made to remove the defects to which counsel took exception. Sierra Water Service Company has made a new offer to California Water Service Company. A copy of this offer is attached, as Exhibit 1, to said supplemental petition.

California Water Service Company intends to accept such offer. Applicants, therefore, ask the Commission to enter a supplemental order authorizing the sale and conveyances of the properties described in said Exhibit 4, subject to the terms and conditions of the agreement attached as Exhibit 1 to said supplemental petition. As provided in the original agreement, California Water Service Company will pay for said properties \$12,500.00. It will, out of said purchase price, pay the sum of \$6,729.02, or approximately that sum, to the creditors of Sierra Water Service Company whose names appear on the list attached to said agreement. The balance of the purchase price will be deposited in escrow with California Pacific Title/Trust Company for payment of any and all encumbrances which must be removed in order that title to the properties, franchises, operative rights and assets to be conveyed shall be free and clear. The agreement thus makes provision for the payment of unpaid taxes due the Town of San Carlos, and the County of San Mateo. Any balance remaining after the payment of such taxes will be distributed to those entitled thereto.

We have considered applicants' request and are of the opinion that this is not a matter on which a hearing is necessary, that the provision of the order in Decision No. 33678, dated November 26, 1940, reading:

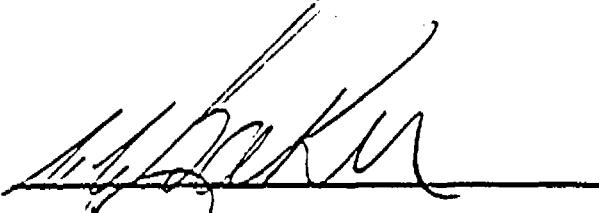
"IT IS HEREBY ORDERED that the Sierra Water Service Company be, and it is hereby, authorized to sell and convey, on or before March 1, 1941, to California Water Service Company, the properties described in Exhibit 4, such properties to be sold and conveyed subject to the terms and conditions of the agreement filed in this proceeding as Exhibit 1."

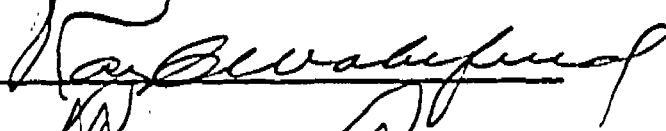
be, and the same is hereby amended to read as follows:

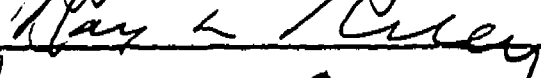
IT IS HEREBY ORDERED that the Sierra Water Service Company be, and it is hereby, authorized to sell and convey, on or before June 1, 1941, to California Water Service Company, the properties described in Exhibit 4, such properties to be sold and conveyed subject to the terms and conditions of the agreement attached as Exhibit 1 to the supplemental petition filed in this proceeding on February 13, 1941.

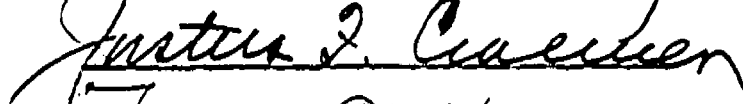
IT IS HEREBY FURTHER ORDERED that the order in Decision No. 33678, dated November 26, 1940, shall remain in full force and effect except as modified by this First Supplemental Order.


Dated at Los Angeles, California, this 18th day of February, 1941.











Commissioners