

Decision No. 35803

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application  
of APTOS WATER COMPANY, a California  
corporation, and JAMES A. HARRIS, JR.,  
and G. W. COOPER, doing business under  
the firm name and style of MONTEREY  
BAY WATER COMPANY, for an order  
authorizing the sale and purchase  
of substantially all of the property,  
franchises and permits of the  
APTOS WATER COMPANY.

Application No. 25153.

Paul E. Colegrove, for James A. Harris, Jr., and  
G. W. Cooper, doing business under  
the firm name and style of  
Monterey Bay Water Company.

Courtney L. Moore and Holloway Jones, for M. J. O'Keefe,  
Administrator of the Estate of  
Leo G. Monroe, Protestant.

Carlyle Miller, for Aptos Water Company,  
Aptos Land & Water Company,  
Rio Del Mar Country Club,  
Peninsula Properties Company,  
Peninsula Properties Improvement Company, Ltd  
and L. J. Miller.

HAVENNER, COMMISSIONER:

O P I N I O N

Aptos Water Company, a corporation, is engaged in the public utility  
business of selling and distributing water for domestic, commercial and other  
purposes in and in the vicinity of Aptos, California. This Company under date of  
July 25, 1942, has entered into an agreement to sell to James A. Harris, Jr., and  
G. W. Cooper, substantially all of the assets of said water company for a  
consideration stated to be \$40,000.00. James A. Harris, Jr., and G. W. Cooper  
have been associated together for some time in the operation of various utility  
water systems in Santa Cruz County, and under the fictitious firm name and style of  
Monterey Bay Water Company have joined in this application with Aptos Water Company

asking the Railroad Commission to authorize the sale and transfer of this utility property.

A public hearing in this matter was held in Santa Cruz.

The evidence submitted in this proceeding shows that a certain action has been instituted in the civil courts in behalf of M. J. O'Keefe\*, as administrator of the Estate of L. G. Monroe, alias, deceased, vs Aptos Water Company, in which a temporary restraining order was issued bearing upon the proposed sale of these properties. It now appears, however, that subsequently thereto on the 23rd day of September, 1942, that the said temporary restraining order was vacated, set aside and dissolved. Under these circumstances it will be unnecessary to discuss the jurisdictional question raised.

As far as the record in this proceeding discloses the Aptos Water Company has regularly pursued its authority in taking the proper and necessary action by resolution of its Board of Directors and otherwise authorizing the disposition of its properties, as requested in the application herein. Under the circumstances it appears to the best interests of the public that the authority to transfer the properties of the Aptos Water Company be granted as prayed.

The following form of order is recommended:

O R D E R

Application having been filed with the Railroad Commission of the State of California as above entitled, public hearing having been held thereon before Commissioner Franck R. Havenner and Examiner Murray R. MacKall, the matter having been duly submitted and the Commission being now fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED that the Aptos Water Company, a corporation, be and it is hereby authorized to sell to James A. Harris, Jr., and G. W. Cooper, doing business under the fictitious firm name and style of Monterey Bay Water Company, substantially all its assets, franchises and permits as such are more particularly set forth in the application herein and the exhibits attached thereto, which are hereby made a part of this Order by reference, subject to the following

terms and conditions:

Note:\*Protestant herein.

- (1) The authority herein granted shall apply only to such transfer as shall have been made on or before the 31st day of December, 1942.
- (2) On or before the 1st day of December, 1942, Aptos Water Company shall refund to such consumers as may be entitled thereto all amounts, if any, deposited for main extensions, meters and service connections or for any other purposes and on or before the 10th day of December, 1942, said Company shall file with this Commission a certified statement to the effect that any and all of such deposits have been so refunded.
- (3) Within thirty (30) days after the date Aptos Water Company 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 were actually relinquished.
- (4) Within thirty (30) days after James A. Harris, Jr., and G. W. Cooper, operating under the fictitious firm name and style of Monterey Bay Water Company, assume control and possession of the properties herein authorized to be transferred, they shall refile with the Railroad Commission of the State of California in quadruplicate the existing rates charged by Aptos Water Company and revised rules and regulations and in addition thereto shall file the regularly prescribed service area maps of the acquired system.

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco California, this 29<sup>th</sup> day of

September 1942.

Justin J. Calver

Francis R. Haver  
Richard R. Haver

COMMISSIONERS.