

Decision No. 36730

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Board of Directors, OCEANO BEACH WATER)
COMPANY, a Corporation, acting as)
Trustees for said Corporation, for)
Authority to sell its water system at)
Oceano, San Luis Obispo County,)
California, to W. J. Clark and for)
W. J. Clark to transfer said system)
to EARNEST GRAMESPACHER.)

Application No. 25875

BY THE COMMISSION:

ORDER

Oceano Beach Water Company, a corporation, owner and operator of a public utility supplying water for domestic and other purposes to the residents of the unincorporated community of Oceano Beach, San Luis Obispo County, California, asks this Commission for authority to sell and dispose of its water properties to W. J. Clark who, in turn, asks for authority to transfer said properties to Earnest Gramespacher. The application states, among other things, that the consideration of \$2,000 is for property and equipment, the parties placing no value upon the operative rights. The necessary investigation having been made and it appearing that this is not a matter in which a public hearing is necessary and that the application should be granted, now, therefore,

IT IS HEREBY ORDERED as follows:

1. Oceano Beach Water Company is hereby authorized to transfer to W. J. Clark the operative rights, franchises, equipment, pipelines, water rights, pumps, tanks, pumphouses and certain real property of the said Oceano Beach Water Company, a corporation, and said W. J. Clark in turn is hereby authorized to transfer said properties to Earnest Gramespacher.

2. Upon compliance with the following conditions, said Oceano Beach Water Company, a corporation, and W. J. Clark shall be relieved of all public utility obligations and liabilities in connection with said water system:

(a) Such transfers shall be made before January 31, 1944, and certified copies of the final instruments of conveyance shall be filed with this Commission by said Oceano Beach Water Company and by said W. J. Clark on or before said date.

(b) Signed written statements shall be filed with this Commission on or before January 31, 1944, indicating the dates on which control and possession were relinquished by said Oceano Beach Water Company and by said W. J. Clark, respectively.

(c) All deposits which customers are entitled to have refunded on or before the dates of actual transfers, under the utility's filed rates, rules and regulations, shall be refunded and a signed written statement showing the disposition of any such deposits or that no such deposits existed, shall be filed in this proceeding prior to January 31, 1944.

3. Earnest Gramespacher is hereby directed as follows:

(a) To file, on or before January 31, 1944, four copies of rates for service in Oceano Beach and vicinity, which rates shall not be higher, in any particular, than the applicable rates now on file.

(b) To file, on or before January 31, 1944, four sets of rules and regulations applicable to water service in the Oceano Beach area, each set of which shall contain a map or sketch, drawn to an indicated scale, upon a sheet approximately 8½ x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the present service area and the location thereof with reference to the surrounding territory; it being understood, however, that the filing of such sketch shall not be considered as a conclusive determination of the area of dedication.

(c) To file, on or before February 29, 1944, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating the area served and its location with reference to sources of supply and surrounding territory. Such map shall show the source and date thereof, and include data sufficient to determine clearly the location of the various properties comprising the service area.

4. The considerations for the transfers herein authorized shall not be urged before this Commission or any other public body as findings of value for rate fixing or any purpose other than the transfers herein authorized.

This Order shall become effective immediately.

Dated at San Francisco, California, this 23rd day
of November, 1943.

Francis A. Havenor

J. B. Kelly

Justice F. Casper

Richard K. Laska

Wm. W. ...

Commissioners.