

Decision No. 36848

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of MONTEREY BAY WATER COMPANY, a partnership, to BUY, and FRANK T. BLAKE, an individual, to SELL, certain properties described as OPAL WATER WORKS.	}
---	---

Application No. 25917

BY THE COMMISSION:

O R D E R

Frank T. Blake, owning and operating a public utility under the fictitious firm name and style of Opal Water Works, and engaged in the business of selling water for domestic purposes to a subdivided area adjoining the unincorporated town of Capitola, Santa Cruz County, asks for authority to sell his water properties to Monterey Bay Water Company, a partnership, consisting of James A. Harris, Jr., and George W. Cooper, copartners, owning and operating a number of public utility water systems in the County.

Frank T. Blake is operating under a certificate of public convenience and necessity granted by the Commission in Decision Nos. 19312 and 33236, dated February 6, 1928, and June 18, 1940, respectively. We are advised that his investment in the fixed capital installed as of December 31, 1943, was \$23,799.23, and the reserve for accrued depreciation amounts to \$8,135.08, which sum has been earned in part only. The operating revenues for the year 1943 were \$3,542.18 and the operating expenses for the same period, including depreciation and taxes, total \$3,406.35, leaving a net operating revenue of \$135.83. There are 143 consumers receiving service from the system.

Mr. Blake desires to withdraw from public utility operations and has agreed to sell the water properties, together with three additional lots, for \$17,500. The copartnership now owns and operates three public utility water systems

in the County, and its Capitola-Soquel systems adjoin the property herein being transferred. It is proposed to interconnect the two systems and operate them as one unit and thereby effect a saving in operation costs that will produce a more profitable enterprise and result in improved service to the consumers of both systems. Monterey Bay Water Company agrees to pay, when due, all outstanding consumers' advances for construction and all consumers' deposits guaranteeing monthly bills held by Frank T. Blake.

An investigation having been made and it appearing that this is a matter in which a public hearing is not necessary and that the application should be granted, now, therefore,

IT IS HEREBY ORDERED as follows:

1. That Frank T. Blake is hereby authorized to transfer on or before March 31, 1944, to Monterey Bay Water Company, a partnership, consisting of James A. Harris, Jr., and George W. Cooper, copartners, that certain water system, together with certain real property, more particularly described in the application herein, and in Exhibits "A" and "B" attached thereto.

2. Upon the transfer of said properties and the compliance with the following conditions, said Frank T. Blake is relieved of all public utility obligations and liabilities in connection with said water system:

(a) To file a signed written statement with this Commission, on or before March 31, 1944, indicating the date on which control and possession were relinquished.

(b) All deposits which customers are entitled to have refunded on or before the date of actual transfer, 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 March 31, 1944.

3. Monterey Bay Water Company, or James A. Harris, Jr., and George W. Cooper, are hereby directed as follows:

(a) To file, on or before March 31, 1944, four copies of rates for water service furnished in the area served by this system, which rates shall not be higher, in any particular, than the applicable rates now on file.

(b) To file, on or before March 31, 1944, four sets of rules and regulations applicable to water service in the area served, each set of which shall contain a map or sketch, drawn to an indicated scale, upon a sheet approximately 8 1/2 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 March 31, 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 source 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.

(d) To file within thirty days after the transfer of said properties a copy of the deed and a copy of any other instrument under which they hold title to said properties.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the condition that the consideration paid for said properties shall not be urged before this Commission or any other public body as a finding of value of said properties for rate fixing or for any purpose other than the transfer herein authorized.

This Order shall become effective upon the date hereof.

Dated at San Francisco California, this 1st day of

February, 1944.

Richard Lachse

Justus J. Coe

Francis R. Havens

Wm W. Clark

COMMISSIONERS.