

Decision No. 37673

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 POINT REYES WATER SYSTEM  
 For Order Authorizing Sale of Water  
 System and Approving Contract.

**ORIGINAL**

Application No. 26504

BY THE COMMISSION:

OPINION AND ORDER

Josephine S. Burdell, executrix of the Last Will and Testament of James B. Burdell, doing business as Point Reyes Water System, and engaged in furnishing water service to consumers in and in the vicinity of the town of Point Reyes Station, Marin County, asks the Commission for authority to sell the system for \$8,000 to Waldo Giacomini. The Commission is also asked to approve an agreement entered into by the two applicants for the purchase of water for the system. The Superior Court of Marin County has authorized the sale of the property for \$8,000. The system is being sold in order to obtain funds to pay claims against the estate and for the further reason that Josephine S. Burdell is not now able to find or employ competent personnel to manage or operate the property. Mr. Giacomini conducts a merchandise business and resides in Point Reyes Station, and is able to manage and operate the system.

Applicant, Josephine S. Burdell, individually owns the land and springs producing the water distributed and sold by the water system, and water has been purchased from these sources for many years last past. In order to obtain a continuation of the water supply from the springs, applicants have entered into an

agreement for a ten-year period, providing for the sale and purchase of water for the system at \$50 per month, which price has been effective since 1931 when it was increased from \$35 per month to meet the additional demands for water.

There are 94 consumers served by the water system. For the eleven months ending November 30, 1944, the operating revenues are reported at \$3,068. The Commission by Decision No. 36810, dated January 11, 1944, in Application No. 24901, authorized an increase in rates. In so doing, it refers to a Commission engineer's report in which the original cost of the properties was as of August 11, 1942, estimated at \$19,524. In that decision the Commission calculated the depreciation annuity on a 5% sinking fund basis and made no finding of the accrued depreciation in the properties.

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 that Josephine S. Burdell, executrix of the Last Will and Testament of James B. Burdell, doing business as Point Reyes Water System, be and she is hereby authorized to transfer to Waldo Giacomini that certain public utility water system used in supplying domestic service to consumers, in and in the vicinity of the town of Point Reyes Station, Marin County, said property being more particularly described in the "Order confirming sale of real and personal property at private sale" attached to the application herein and marked Exhibit "A."

IT IS HEREBY FURTHER ORDERED as follows:

1. That such transfer shall be made on or before May 1, 1945, and that Josephine S. Burdell, executrix of the Last Will and Testament of James B. Burdell, shall file a certified copy of the final instrument of conveyance with this Commission on or before said date;
2. That Josephine Burdell shall file a written statement with this Commission, on or before May 1, 1945, indicating the date on which control and possession of said water system were relinquished;
3. That upon compliance with the above Order of the Commission, said Josephine S. Burdell, executrix of the Last Will and Testament of James B. Burdell, shall be relieved of all public utility obligations and liabilities in connection with said system;

4. That Waldo Giacomini is hereby directed to file, on or before May 1, 1945, four copies of rates for water service furnished by this system in the town of Point Reyes Station, Marin County, which rates shall not be higher, in any particular, than the applicable rates now on file;
5. That Waldo Giacomini is hereby directed to file, on or before May 1, 1945, four sets of rules and regulations applicable to water service in the town of Point Reyes Station, Marin County, 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 dedicated;
6. That Waldo Giacomini is hereby directed to file, on or before May 1, 1945, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating thereupon the area served in the town of Point Reyes Station, Marin County, 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;
7. That Josephine S. Burdell and Waldo Giacomini be and they are hereby authorized to enter into an agreement providing for the sale and purchase of water in accordance with the terms and conditions set forth in Exhibit "B" attached to the application herein.
8. That Waldo Giacomini shall file with this Commission within sixty (60) days from the date of this Order, two (2) certified copies of said agreement as finally consummated.

The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

This Order shall become effective upon the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of

February, 1945.

Edward D. Quinn  
Justus J. Cragg  
Richard Jackson  
Frederick Love  
Earl Russell  
 Commissioners.