

Decision No. 38243

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

**ORIGINAL**

In the Matter of the Application  
of Claude F. Smith for authorization  
to discontinue business.

Application No. 26863

BY THE COMMISSION:

OPINION AND ORDER

Claude F. Smith, operating a public utility water system in Tract 5224 located within the corporate limits of the City of Long Beach, requests authority to discontinue the service of water. Investigation disclosed the fact that Tract 5224, together with certain adjoining and adjacent territory, was annexed some years ago to the City of Long Beach which installed water mains and pipelines paralleling the entire distribution system of applicant.

At the time of the installation of the City mains applicant served 67 consumers. Thereafter from time to time all former consumers, except two, have discontinued service from applicant's waterworks and are now being served by the Long Beach municipal water system. The remaining consumers still supplied by applicant have expressed a willingness to discontinue service from the public utility and obtain their water supplies from the municipal waterworks, in the event applicant is authorized to cease operations.

For several years Claude F. Smith has been operating at a loss; for the year 1944 his out-of-pocket loss amounted to \$439. For the present year 1945, this sum will be considerably greater. In view of these circumstances it is apparent that applicant should be granted the authority to discontinue all further public utility water business. The investigation of the operating conditions of this utility indicates that a public hearing is unnecessary.

Application as entitled above having been filed by Claude F. Smith asking for authority to discontinue public utility water business and an investigation having shown that all former consumers heretofore served by this utility are

now being served by the municipal waterworks operated by City of Long Beach, or may receive service from such municipal system upon application thereto, within a few days after application therefor, and

Other good cause appearing, now, therefore,

IT IS HEREBY ORDERED that Claude F. Smith be and he is hereby authorized to discontinue public utility water service in Tract 5224 and in the immediate vicinity thereof in the City of Long Beach on the 15th day of November, 1945, and thereupon and thereafter shall stand relieved of all public utility obligations and liabilities heretofore incurred in connection with such water service.

IT IS HEREBY FURTHER ORDERED that Claude F. Smith shall notify in writing, or by word of mouth, within ten (10) days from the date of this Order, each consumer now receiving water service of his intention to discontinue service on the 15th day of November, 1945, as authorized herein; on or before the 15th of November, 1945, said Claude F. Smith shall file a statement with this Commission that such notice has been duly given.

The effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at Los Angeles, California, this 30<sup>th</sup> day of October, 1945.

Harold Rudman  
Justus F. Cooney  
Thomas Darr

Justus F. Cooney  
COMMISSIONERS.