

ORIGINAL

Decision No. 44500

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GORDON BELL, et al, to transfer)
public utility assets.)

Application No. 29767
(Further Hearing)

HAROLD V. SAFFELL,)
Complainant,)

vs.)

Case No. 5167

MELVILLE ROGERS, et al, doing business)
as POMONA VALLEY RESORT WATER COMPANY,)
Defendants.)

MELVILLE E. ROGERS, et al,)
Complainants,)

vs.)

Case No. 5188

CLARA BLUM BARTLETT, et al,)
Defendants.)

Commission investigation into the)
operations of GORDON BELL, et al, in)
connection with a public utility)
water system serving Los Serranos)
Village, near Chino, San Bernardino)
County.)

Case No. 5196

Appearances at Original Hearing in Application No. 29767, January 26 and February 2 and 15, 1949;

Charles D. Warner, for applicants.
Lee J. Myers, for Water Users Association.

Appearances at Further Hearing in Application No. 29767 and at Original Hearing in Cases Nos. 5167, 5188 and 5196, June 2, 1950;

Steiner A. Larsen and Carvin F. Shallenberger, by Steiner A. Larsen, for Gordon Bell and a group of nine associates, and for Clara Blum Bartlett, Kenneth Rogers and Winnie Mae Rogers.
Charles D. Warner and John E. Miller (the latter representing George W. Rochester, Esq.), for Melville and Consuelo Rogers.
Overton, Selig & Wilson, by Frank T. Cotter, for Harold Saffell.

Gordon & Knapp, by Sanford A. Waugh, for Gordon Bell and associates.
Lee J. Myers, for Water Users Association.

O P I N I O N

In 1945, Don Lugo Corporation was found to be operating a public utility water system serving (at that time) about 60 customers in an area known as Los Serranos Village, situated in Section 27, T. 2 S., R. 8 W., S.B.M., about three and one-half miles south of Chino, in San Bernardino County. The corporation was ordered to file rates and improve service. (45 CRC 699) Earlier owners had installed a golf course, club house and other facilities, including the water system, as an aid in selling residential lots.

In 1946, Don Lugo Corporation was authorized to transfer the water system to Gordon Bell and nine other individuals. (Dec. No. 39000, May 21, 1946, App. No. 27445.) The Bell group, on June 3, 1946, adopted the rates, rules and regulations of Don Lugo Corporation and thereafter conducted the operation until 1949, when they were authorized to transfer the public utility assets to Melville E. Rogers and Consuelo D. Rogers, his wife. (Dec. No. 42703, April 12, 1949, App. No. 29767.) The latter decision authorized the transfer to be made after May 2, 1949, (the effective date of the order) and on or before May 30, 1949. Melville and Consuelo Rogers have not since filed an adoption of the former rates, rules and regulations governing water service, nor have they ever filed or published rates in their own name.

Subsequent to the last decision, the Commission received numerous informal complaints from consumers regarding deterioration in water service, and alleging that conflicting demands for payment of water bills were being made by two factions contending for control of the properties. Two formal complaints, one charging threatened unlawful disposition of utility assets and the other alleging unlawful interference with utility operations, have also been filed.⁽¹⁾

Because of the involved circumstances disclosed by the pleadings in the two formal complaints and the critical water problem manifested by the complaints of the consumers, the Commission reopened Application No. 29767 for the purpose of determining whether its decision should be rescinded, altered, or amended in any particular. (Public Utilities Act, Section 64.) At the same time, the Commission instituted an investigation, on its own motion and in the public interest, into the lawfulness and propriety of the operations, contracts and practices of (a) the Bell group, (b) Melville and Consuelo Rogers, and (c) Kenneth A. Rogers and Winnie Mac Rogers, his wife (Melville's brother and sister-in-law), and Clara Blum Bartlett, an unmarried woman.

(1) Saffell v. Rogers, et al., Case No. 5167.
Rogers v. Bartlett, et al., Case No. 5188.

The latter group, since 1948, has been contending with Melville and Consuelo Rogers for control of the properties. Clara B. Bartlett claims to have acquired the interests of Kenneth and Winnie Mae Rogers.

The four proceedings were heard on a joint record at Chino on June 2, 1950, before Commissioner Craemer and Examiner Gregory, and were submitted on briefs which have been filed.

The record now before the Commission establishes that a serious situation confronts the water users, due to low pressures and scarcity of water for domestic use. The record also makes plain that certain facts were not presented to the Commission at the 1949 hearings on Application No. 29767, which resulted in the issuance of Decision No. 42703 upon an erroneous conception of the underlying situation. Based upon the whole record, we conclude that Decision No. 42703 should be rescinded, and that Case No. 5167 and Case No. 5188 should be dismissed.

We conceive it to be our duty, in a controversy such as this one, to do all within our proper sphere of authority that may tend to promote stability and adequacy in the operation of a water system upon which the well-being of some 200 consumers and the further development of the community depend. We now pass to the facts of record subsequent to the acquisition of the properties in 1946 by the Bell group from Don Lugo Corporation.

A preliminary description of the system may aid in clarifying the discussion of the evidence, and will also serve to indicate what we consider to be the present assets of the utility which are either necessary or useful in the performance of its duties to the public.⁽²⁾

(2) A report and appraisal of the water system by the Commission's hydraulic engineering staff, dated May 15, 1944, was introduced as Exhibit No. 23 in Case No. 4683 and Application No. 25834, the proceeding wherein Don Lugo Corporation was found to be operating the system as a public utility. The report is included in the present record by reference.

Both the country club properties, consisting of an 18-hole golf course, club house, riding stables, cottages and other property, and the water system, in all comprising some 320 acres, have been operated as a unit by the various owners over the years. The 1944 engineers' report estimates the historical cost of the operative properties at \$66,200, after making certain deductions in a net amount of approximately \$27,500 for some artesian wells and land, for the Pellissier and Home Wells, for a replaced booster station engine and pump, and for pipe lines used entirely to irrigate the golf course. The other properties, including lands, buildings, a 60-acre lake and various other items, were not appraised, but were believed possibly to have a value of about \$300,000.

The principal source of supply for the water system is the Junior Republic well located near the intersection of Roswell and Shafer Avenues, which produces about 65 inches at the present time. The water is conveyed through a 10-inch steel pipe 2800 feet southeast to a covered weir basin on Pipe Line Avenue, into which water formerly also flowed from artesian wells located east of Pipe Line Avenue. The artesian wells have not produced water for several years. The water then flows by gravity through a 20-inch concrete pipe line south to Carbon Canyon Road, thence southeasterly and under Los Serranos Lake to a covered settling basin holding about 36,000 gallons. Surplus water from the settling basin overflows into Los Serranos Lake. Adjoining the settling basin is a booster pump and engine in a covered structure which also contains a chlorination unit. The booster pump lifts the water from the settling basin and forces it through a 12-inch redwood stave main into the

distribution system and into two storage tanks of 100,000 and 90,000 gallon capacity, located on a hill about one mile south of the booster stations at elevations of approximately 75 feet and 100 feet above the settling basin.

The distribution system is comprised chiefly of steel piping varying from 1½ inches to 2½ inches in diameter, and of 4-inch wooden stave pipe from which the golf course, the State Bird Farm and several domestic customers are supplied. The distribution piping to the club house, cottages, club grill and a few residences is supplied through a 6-inch steel main leading from the 90,000 gallon storage tank.

There are two additional wells which are not being used at the present time but which were in service when Don Lugo Corporation operated the properties prior to 1944. The Pellissier Well had a production of 200 inches with a 75 hp motor attached to a large pump. When a smaller pump was installed in 1944 the well produced 70 inches. The well is now capped and it would cost approximately \$3700 to put it in service. The Home Well, located near Pomona-Rincon Road, formerly produced between 30 and 60 inches and was used to irrigate a 30 acre piece of land in the low southeast portion of the service area. There is some indication in the record that Gordon Bell, early in 1947, may have sold this well, along with 35 acres of land in the southeast corner near Pomona-Rincon and Los Serranos

Roads. The well still has a pump but no motor, and its pipe line connection with the distribution system is broken. No agreement for disposal of the Home well has ever been presented for the Commission's authorization.

After the Bell group took over the properties in 1946, agreements were executed with Don Lugo Corporation providing for construction of distribution facilities to Tracts Nos. 2576, 2562 and 2650, all adjacent to the golf course. The record indicates that Don Lugo Corporation, which is controlled by James M. Fisher of Chino, in 1946 and 1947 advanced sums totaling \$19,577.29, to be repaid by the Bell group at the rate of approximately \$140 per consumer attached to the system.

In December, 1947, the Bell group entered into a contract with Carl O. Jelm and Henrietta Jelm, his wife, providing for the drilling of a well in the south half of Lot 9, Section 15, T. 2 S., R. 8 W., S.B.M., and for the installation of a pump, motor and 8-inch pipe line connection to the water system's 20-inch transmission main along Pipe Line Avenue. In exchange for the drilling and construction, to be undertaken by Bell at Jelm's expense, Jelm was given the right to receive one-third of the water produced from the well without charge therefor; the right to joint use of the 20-inch pipe line and water distribution system to transport Jelm's share of water to his property, located near Carbon Canyon Road and Pipe Line Avenue;

and the further right to construct a connection with the 20-inch main so as to deliver the water to his premises. According to the agreement, Bell was to own the well after its construction, and he was given the right to use two-thirds of all water produced, without charge from Jelm. The water is metered as it enters and leaves the 20-inch main. Jelm uses this water for continuous irrigation of pasture at his horse farm by means of approximately 20 sprinklers. The remaining two thirds of the water produced from this well was dedicated by Bell to the service of the utility. The execution of the Jelm agreement has not been authorized by the Commission.

In January, 1948, the Bell group entered into an agreement with Harold V. Saffell, providing for the transfer to Saffell of a 66-acre parcel of land on which is located a lake. Saffell agreed to buy water from Bell at the rate of one cent per hour-inch, to be used by Saffell to maintain water in the lake and for filling fish hatchery ponds. As stated above, surplus water is discharged from the settling basin at the booster station into this lake. The execution of this agreement has likewise not been authorized by the Commission.

We find that the assets of this public utility water system which are necessary or useful in rendering service to the public in Los Serranos Village, and within the present service area of the system, include the Junior Republic Well, the Pellissier Well and the

Home Well, together with their sites, structures, pumps, motors, connections, transmission and distribution pipe lines, meters and necessary rights of way; the weir basin and its structure; the booster station, its pump, engine, settling basin and connected installations and structures; the 90,000 and 100,000 gallon storage tanks and their sites; all rights to produce water from said wells and from any lands owned by the utility, together with the right to at least two-thirds of the water produced by the well installed pursuant to the Jelm contract. In addition, the utility's assets include the tools, supplies and other items of property which are now used or useful in operating and maintaining said water system, and the books, office supplies and other articles of personal property, wherever situated, which are used or useful in connection with rendition of service to the public. We now turn to the events surrounding the transactions whereby Melville and Consuelo Rogers and Clara B. Bartlett claim the right to control the properties of this utility.

In April, 1948, the Bell group entered into an escrow agreement with Kenneth and Winnie Mae Rogers in which the former agreed to sell to the latter the country club and water system for \$150,000. In June, 1948, Kenneth and Winnie Mae Rogers entered into certain agreements with Melville and Consuelo Rogers and Clara B. Bartlett, providing for Melville Rogers to become manager of the properties, for transfer of the record title to Melville and Consuelo

Rogers by deeds which should be recorded, and by transfer of the title back from Melville and Consuelo Rogers to Kenneth and Winnie Mae Rogers, as to a one-half interest, and to Clara B. Bartlett as to the other half interest. The latter two deeds were not to be recorded unless the grantees became dissatisfied with the management of the properties by Melville Rogers. The money for the transaction was put up by Kenneth and Winnie Mae Rogers and by Clara B. Bartlett. Bills of sale to the personal property were also given. The Bell group asserts that it was not completely informed as to these written and oral arrangements between the two brothers and Clara B. Bartlett.

As a result of the foregoing arrangements, various grant deeds and deeds of trust were executed and recorded in May and June, 1948. The deeds from Melville and Consuelo Rogers to Kenneth and Winnie May Rogers and Clara B. Bartlett were executed and delivered about June 9, 1948, but were not recorded until June 9, 1949, following dissension between the parties over management of the

(5) May 24, 1948. Grant Deed. Gordon Bell and 7 of the 9 associates to Kenneth A. Rogers and Winnie Mae Rogers. (Recorded June 11, 1948.)

June 8, 1948. Deed of Trust. Kenneth A. Rogers and Winnie Mae Rogers, Trustors, and Gordon Bell and 7 of the 9 associates, Beneficiaries, as security for a \$48,161.46 note. (Recorded June 11, 1948.)

June 8, 1948. Grant Deed. Kenneth A. Rogers and Winnie Mae Rogers to Melville E. Rogers and Consuelo D. Rogers. (Recorded June 11, 1948.)

June 8, 1948. Deed of Trust. Melville E. Rogers and Consuelo D. Rogers, Trustors, and Kenneth A. Rogers, Winnie Mae Rogers, and Clara Blum Bartlett, Beneficiaries, as security for a \$75,000 note. (Recorded June 11, 1948.)

properties and an attempt, culminating in the execution of certain agreements, to settle their differences amicably.

The Bell group and Melville and Consuelo Rogers filed Application No. 29767 on October 15, 1948, alleging that the Bell group, prior to filing the application, had sold all of the operating assets of the public utility business to Melville and Consuelo Rogers. They asked that the Commission authorize and approve the sale. The application contained neither copies of the documents reflecting the transactions nor the financial statements of the parties, as required by the Commission's rules of procedure. At the hearings in January and February, 1949, the grant deeds from the Bell group to Kenneth and Winnie Mae Rogers and from the latter to Melville and Consuelo Rogers, together with the deeds of trust from Kenneth and Winnie Mae Rogers to the Bell group and from Melville and Consuelo Rogers to Kenneth and Winnie Mae Rogers and Clara B. Bartlett, were placed in evidence. Also there was placed in evidence at that hearing a bill of sale, purporting to transfer all of the Bell group's right, title and interest in and to all the public utility assets, including wells, pumping plants, water lines, storage tanks and reservoirs, tool sheds, tools and equipment, to Melville and Consuelo Rogers. The deeds from Melville and Consuelo Rogers to Kenneth and Winnie Mae Rogers and to Clara B. Bartlett were not brought forth at that hearing.

It thus appears that the true situation respecting the transactions among the several parties was not disclosed to the Commission, and that its authorization in Decision No. 42703 could not have been complied with by the applicants, since they had long before taken steps to divest themselves of whatever title to the properties they might have had. Under such circumstances, we have no hesitancy in rescinding Decision No. 42703.

On May 23, 1949, during the period of the effectiveness of the permissive authorization of Decision No. 42703, Melville and Consuelo Rogers, without prior authorization by the Commission, executed an agreement with L. Paul Grant and associates, for the purchase and sale of the country club properties, including the land, all improvements, buildings, structures, machinery, fixtures, furniture and equipment, and specifically including the Pellissier Well. The well was represented as having a sufficient supply of water to irrigate all of the land for agricultural purposes and all of the water necessary to maintain the golf course. The price was stated to be \$400,000. Litigation is now pending with reference to that agreement. There is also a suggestion in the record that Clara B. Bartlett may also have been negotiating with Grant for ultimate sale of the properties.

The disagreements between Kenneth Rogers and Clara Bartlett on the one hand, and Melville and Consuelo Rogers, on the other hand, culminated in a civil action by the former against the latter in the Los Angeles County Superior Court, filed June 13, 1949, and numbered 560988. Pursuant to detailed findings of fact made by the Court in favor of the plaintiffs (included in this record as Exhibit No. 16), a judgment and injunction were rendered in their favor on November 17, 1949. The judgment directs certain agreements executed by Melville and Consuelo Rogers in settlement of their differences with the others to be specifically performed, and orders Melville and Consuelo Rogers to execute and deliver to the plaintiffs, among other documents, deeds to the country club properties and all documents necessary to transfer title to the water company operated in connection therewith. The decree provides that, if defendants fail to deliver the specified documents, the judgment itself "shall have the effect and operation, at law and equity, of such delivery so as to vest any title of defendants to said premises to the plaintiffs Clara Blum Bartlett as to an undivided one-half interest and to Kenneth A. Rogers and Winnie Mae Rogers, his wife, as joint tenants, as to an undivided one-half interest."⁽⁶⁾

(6) Kenneth and Winnie Mae Rogers have purported to transfer their one-half interest to Clara B. Bartlett. The deed was dated March 10, 1950, and a copy is in evidence as Exhibit No. 17.

The decree also enjoins Melville and Consuelo Rogers, their "servants, agents, attorneys, employees and all persons acting by, through or under you, or under your direction, control, or authority," among other things, from violating their agreement with the plaintiffs (described as the "First Agreement"); from interfering with plaintiffs in managing and operating the properties; from selling, encumbering, conveying or in any manner disposing of any interest in and to the properties; from withdrawing or disposing of funds or other assets arising from or obtained from the operation of the properties; and from selling, conveying, encumbering, dissipating or in any way disposing of any funds, monies, real or personal property, which has been transferred, paid or conveyed to defendants, or which in the future would be transferred, paid or conveyed to defendants in return for the sale, conveyance, assignment, lease or transfer of any interest in and to the properties.

In addition, Melville and Consuelo Rogers were commanded to immediately turn over complete possession and management of the properties to plaintiffs or their nominees, to withdraw from the enterprise, and to cooperate in every way that they could with plaintiffs in withdrawing. An appeal is now pending from that judgment. The record indicates that Melville Rogers has deposited with the clerk of the Los Angeles County Superior Court the documents called for by the judgment.

Kenneth Rogers, and Clara B. Bartlett took possession of the properties about December 1, 1949, under a writ of execution levied by the Sheriff of San Bernardino County. Clara B. Bartlett claims the sole right to control the properties since acquiring the interests of Kenneth and Winnie Mae Rogers in March, 1950. She has paid power bills and has attempted to operate the properties.

Melville and Consuelo Rogers, purporting to act under the Commission's authorization contained in Decision No. 42703, also claim the right to operate the water system, and have demanded and received payment of some water bills from the consumers. Rex Woodward, an employee of Melville Rogers since January 20, 1950, has read meters, has collected water bills since April 1, 1950 and paid the money to Melville Rogers, has a key to the booster station, which he operates, and receives a salary of \$200 per month from Melville Rogers.

The record establishes that the water system is in a deplorable condition; that there is much waste due to leakage in the transmission and distribution mains; that without the recently installed chlorination unit at the booster station there would be a greater health hazard than there now is; and that many consumers, especially in the higher elevations, suffer from critical shortages of water and low pressures.

There appears to be a sufficient supply of water in the presently operated wells, along with those that are not now operating but could be placed in service if needed, to furnish the community with both domestic and agricultural water service. In order to provide an adequate supply under existing methods of operation, however, the system needs to be repaired, and this should be done at once. Furthermore, until the system is in a condition to supply adequate service to all consumers, those receiving water for domestic purposes should be given preference over agricultural users, including the golf course, in allocating the supply.

There remains the question of who should be held responsible for the operation and maintenance of this water system. The record indicates that Melville Rogers is in doubtful financial circumstances. Even if he should be possessed of sufficient stability he is entitled to little consideration from this Commission as a possible operator. His participation in Application No. 29767, and in the hearings held thereon in 1949, without disclosing his true status, can only be described as a subversion of the processes of the Commission, and justifies the conclusion that he is not entitled under the circumstances to be entrusted with the control or operation of a public utility service.

On the other hand, Clara B. Bartlett, who claims to be entitled to the properties by virtue of the judgment rendered by the Los Angeles County Superior Court and the deed from Kenneth and Winnie Mae Rogers, appears to be making an earnest effort, under considerable difficulty, to operate the system. She has paid out substantial sums for power and other costs to keep both the country club and the water system going. Whether she will ultimately be found to have legal title to the properties is a matter upon which we express no opinion. She is, however, in the present state of this record, the only logical, responsible person connected with these utility properties to whom we can look for their operation and management.

We find that Clara Blum Bartlett is a proper person to be entrusted with the control and operation of the water utility serving the community of Los Serranos Village, that she claims to be the owner of said properties, and that she is in de facto control thereof. Accordingly, we will direct her, in the order to follow, to continue to render water service to the present consumers of said water system, as the sole operator thereof. We also find that the system, in its present state, has reached the limit of its capacity to supply water, and that no further consumers can be supplied from said system without injuriously affecting present consumers. We will also direct Clara Blum Bartlett to submit detailed plans and specifications, including itemized estimates of cost, for such repairs to the water system.

as will assure a dependable supply to the community, including the golf club and allied properties. Such plans, specifications and cost estimates will be directed to be submitted within thirty days from the effective date of the order herein.

The petition to reopen Application No. 29767 filed by Bell and his associates alleges that the petitioners desire to assist in having a proper transfer of the properties. They request that the Commission authorize the transfer of the public utility assets from petitioners to either Melville and Consuelo Rogers or Clara Blum Bartlett. We have found that Clara Blum Bartlett is a proper person to assume responsibility for the operation and management of the utility and that she is in de facto control thereof. Accordingly, we will treat petitioners' request as an application to transfer the utility assets to Clara Blum Bartlett, and we find that such transfer will not be adverse to the public interest. The order to follow will require the parties, should they desire to avail themselves of the Commission's permissive authorization, to file with the Commission a true copy of each document evidencing such transfer within five days after the consummation thereof.

The order will also direct Melville and Consuelo Rogers, their agents, employees, attorneys, and any persons acting under their control or direction, to cease and desist from operating or maintaining, or attempting to operate or maintain, in any manner whatsoever, the public utility water system referred to herein. We will also direct Melville and Consuelo Rogers, and their agents, employees and attorneys, to deliver

to Clara Blum Bartlett, forthwith, any items of property necessary, convenient, used, or useful in the operation, management, or maintenance of said water system, which they, or any of them, may have in their possession or under their control, including books, records, office supplies, keys, tools and other items of property used or useful in rendering water service to the public.

All parties to these proceedings and their attorneys, and all persons, firms and corporations who may have actual notice of this decision and the terms of the order to follow, are hereby placed on notice that no part of the assets of this water system, heretofore described or which may be added thereto, may be sold, leased, assigned, mortgaged or otherwise disposed of or encumbered, without prior authorization of this Commission being first had and obtained, as provided by Section 51(a) of the Public Utilities Act.

Any sale, lease, assignment, mortgage, or other disposition or encumbrance of any of the assets of this water system, necessary or useful for rendition of service to the public, which did not receive the prior approval of this Commission, is hereby found to be null and void.

O R D E R

Public hearing having been held herein, evidence having been received, briefs having been submitted, the Commission having considered the evidence and briefs and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

(1) That Gordon Bell, Fern J. Bell, Gray Phelps, Marjorie Phelps, John W. Dawson, Velma Dawson, Kersey Kinsey, Homer Barnes and Glen Daugherty be and they are hereby authorized, following the effective date of this order and on or before August 9, 1950, to transfer to Clara Blum Bartlett the assets of the public utility water company described in the foregoing opinion, subject to the following conditions:

- a. Clara Blum Bartlett shall file with the Commission a true copy of each document evidencing said transfer within five days following the consummation thereof.
- b. Clara Blum Bartlett shall immediately upon consummation of said transfer, by written advice to the Commission, adopt the rates, rules and regulations governing water service in and in the vicinity of Los Serranos Village now on file with the Commission under the name of Gordon Bell and his associates.

(2) In view of the emergency facing the consumers and the necessity for prompt measures to be taken to improve the water supply, Clara Blum Bartlett, as the de facto operator of the water system, is hereby directed, pending consummation of the transfer herein authorized, forthwith to assume sole control of the operation and management of said water system and to make whatever temporary repairs may be necessary to provide an adequate supply of water. Pending further order of the Commission, Clara Blum Bartlett shall not furnish water to any new or additional consumers.

(3) Clara Blum Bartlett, within thirty (30) days from the effective date of this order, shall file with the Commission detailed plans and specifications, including itemized estimates of cost, for the repair and rehabilitation of said water system, such plans to include provision for -

- a. The operation of the Pellissier and Home Wells.
- b. The replacement of the present sections of the 12 inch redwood stave transmission main with steel pipe, the replacement of the present 4 inch redwood stave pipe with steel pipe, and the replacement of the small distribution pipe lines and laterals with larger size pipe in order to provide sufficient pressure and eliminate leakage.
- c. The repair of the pump at the Junior Republic Well.

(4) Melville and Consuelo Rogers, their agents, employees and attorneys, and any persons acting under their control or direction, are hereby ordered and directed to cease and desist, and hereafter to refrain, from operating or managing, or attempting to operate or manage, or in any manner whatsoever from interfering with the operation or management of, the aforesaid public utility water system; and they are hereby further directed forthwith to deliver to Clara Blum Bartlett any and all property, including books, records, office supplies, keys, tools and other items, which are necessary or useful in the conduct of water service by said water system.

(5) Decision No. 42703, heretofore issued in Application No. 29767, is hereby rescinded, and Case No. 5167 and Case No. 5188 are and each of them hereby is dismissed.

The Secretary is hereby directed to cause personal service of a certified copy of this decision upon Gordon Bell, Clara Blum Bartlett, Melville E. Rogers, and Consuelo D. Rogers, and to cause service of a certified copy of this decision to be made by registered mail upon all other parties to this proceeding.

It being hereby found that public convenience and necessity so require, this order shall be effective on and after the tenth day from the date hereof.

Dated at San Francisco, California, this 30th day
of June, 1950.

R. E. Induray
Justice J. Coe
Justice Powell
Harold Hala
Frederick Potter
COMMISSIONERS