يريد شريخ

Decision No. 48707

## ORICINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HERCULES MATER COMPANY, a corporation, for authority to transfer, assign and convey certain water properties and facilities to East Bay Municipal Utility District, and for authority to withdraw from public service as a water utility.

Application No. 33895

## ORDER GRANTING PETITION FOR MODIFICATION OF CROER

Applicant, Mercules Water Company, a corporation, having filed on January 30, 1953, a petition for modification of the order contained in Decision No. 48145, issued in this proceeding on the 13th day of January, 1953, and having filed on May 5, 1953, an amendment to said petition, which amendment particularly describes an unincorporated area contiguous to the Town of Hercules and two unincorporated areas contiguous to the Town of Pinole, and having therein designated such particularly described areas as being the unincorporated areas and unincorporated territories generally described in the Agreement dated the 26th day of September, 1952, between Hercules Water. Company, a corporation, and East Bay Municipal Utility District, a public corporation, a copy of which is a part of the application in this proceeding; and it appearing that it would not be adverse to the public interest to grant said petition as so amended;

IT IS HEREBY ORDERED that paragraphs 4 and 5 of the Order in Decision No. 48145 be, and they are hereby modified to read as follows:

- 4. That concurrently with the sale and transfer of its water utility properties and facilities serving any or all existing incorporated service area or areas which may have been duly annexed to the District and any or all unincorporated service area or areas described in the Amendment to Petition for Modification of Order (which amendment was filed herein on May 5, 1953), contiguous to such annexed incorporated area or areas, the Company shall be, and it is, relieved of the obligation to serve as a public utility such annexed area or areas and such unincorporated area or areas contiguous thereto.
- 5. That if any of the Company's present service area remains unannexed to the District, except for any unincorporated

area or areas described as noted in paragraph 4 hereinabove, contiguous to an annexed incorporated area, after the several contemplated annexation proceedings have taken place, then within thirty (30) days thereafter, and in no event later than December 31, 1953, the Company shall refile in quadruplicate with this Commission, in conformity with its General Order No. 96, the presently filed rate schedules, revised to reflect the resultant territorial changes, appropriate up-to-date rules and regulations, and service area map.

The effective date of this order shall be twenty (20) days after the date horeof.

Dated at San Francisco, California, this 16 day of Juno, 1953.

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