

ORIGINAL

Decision No. 49251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CALIFORNIA WATER SERVICE COMPANY, a)
 corporation, for an order authorizing)
 (1) the discontinuance of service by)
 applicant in certain territory in)
 Contra Costa County, (2) the sale and)
 transfer to Gregory Gardens County)
 Water District of certain public)
 utility properties of applicant in)
 Contra Costa County and (3) the)
 conveyance and transfer to O'Shea-)
 Towers of certain public utility)
 properties of applicant in Contra)
 Costa County.)

Application No. 34625
 As amended

OPINION AND ORDER

California Water Service Company, a corporation, by this application filed September 28, 1953, and as amended, seeks authority to sell and transfer to Gregory Gardens County Water District certain public utility properties in Contra Costa County. Applicant also seeks authority to convey and transfer to O'Shea-Towers, a copartnership, certain public utility properties likewise located in Contra Costa County. California Water Service Company, upon completion of the transfer, desires to withdraw from public utility water service only in that portion of the area within the Gregory Gardens County Water District known as "Applicant's Unit No. 7," which is presently served by the facilities proposed to be sold to the district, and in that portion of the area within the district known as the "Beckett Tract," which is presently served by the facilities proposed to be conveyed to O'Shea-Towers. The transferees join in the application.

Attached to the application is a map showing the area presently served by California Water Service Company, which the

district proposes to serve following the transfer. Terms and conditions of the sale to the district are set forth in an offer accepted by the district September 2, 1952. The stated consideration is the sum of \$21,900 plus applicable sales taxes. A detailed description of the property to be sold to the district is set forth in said agreement and in a deed and bill of sale, a copy of which is also attached to the application.

California Water Service Company, pursuant to an agreement with O'Shea-Towers, dated August 12, 1952, installed certain facilities in the Beckett Tract, in Contra Costa County, consisting of (1) 2,205 feet of 6-inch asbestos concrete main and service connections. That agreement provided, in part, that if the district makes water service available in the Beckett Tract, the California Water Service Company will, upon written request of O'Shea-Towers, convey the facilities and services to said partnership at the sole cost and expense of the partnership. The entire cost of said facilities paid for by said copartnership amounts to \$7,682.03. The transfer to the partnership is proposed to be accomplished by the execution and delivery of a deed and bill of sale in a form shown by an exhibit attached to the application. No consideration is to be paid, but the cost and expense of the conveyance are to be paid by the partnership.

Upon consideration of the application we conclude that the proposed transfers will not be adverse to the public interest and the application, accordingly, will be granted. A public

(1) Copy of this agreement was filed with the Commission August 13, 1952, and approved August 19, 1952, by Resolution W-410.

hearing is not necessary.

The action taken herein, however, shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

Therefore, good cause appearing,

IT IS ORDERED that California Water Service Company may, on or after the effective date hereof, and on or before December 31, 1953, sell and transfer to Gregory Gardens County Water District and convey and transfer to O'Shea-Towers, a copartnership, those certain public utility properties described in the application herein and in the various exhibits attached thereto and in accordance with the terms thereof.

IT IS FURTHER ORDERED that:

1. On or before the actual date of transfer, California Water Service Company shall refund all deposits which customers are entitled to have refunded, and within thirty days thereafter shall notify this Commission in writing of the completion of such refunding.
2. If the authority herein granted is exercised, California Water Service Company shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized, and may withdraw from such service in that portion of the area within Gregory Gardens County Water District known as "Applicant's Unit No. 7" and also in that portion of the area within said district known as the "Beckett Tract," and may thereafter discontinue domestic, commercial, fire protection and all other water service which it is now furnishing in said areas.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 27th day of October, 1953.

J. E. Smith
President
Justus J. Carpenter
Thomas H. Patten
Walter E. Mitchell
Deane Deagan
Commissioners