

**ORIGINAL**Decision No. 49837

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 HERCULES WATER 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  
 (Second Supplemental)

SECOND SUPPLEMENTAL OPINION AND ORDER

Hercules Water Company and East Bay Municipal Utility District have joined in a second supplemental application, in the above-entitled and numbered proceeding, for an order further modifying the Commission's order in Decision No. 48145, dated January 13, 1953 so as to provide that the transfer, assignment and conveyance authorized by said Decision No. 48145 may be made at any time on or before May 31, 1954. The Commission has previously extended applicant's authority to consummate the transfer to the district to March 31, 1954 (Decision No. 49490, dated December 30, 1953, Application No. 33895 - First Supplemental).

Applicant alleges that all of the terms and conditions necessary to closing of the agreement for the transfer, dated September 26, 1952, have been fulfilled except that applicant has been unable to make arrangements with all its consumers now receiving free water service to terminate such service, as provided by paragraph 6(d) of said agreement.<sup>1/</sup> As a result, applicant alleges

<sup>1/</sup> By Decision No. 49831, dated March 23, 1954, in Application No. 35158, the Commission directed the company to discontinue free water service to consumers on its system.

it has not yet transferred its properties and facilities to the district nor canceled its tariffs on file with the Commission. Applicant further alleges that an additional sixty days may be required in order to transfer its properties and facilities to the district.

The request for extension of time appears to be reasonable and it will be granted.

Therefore, good cause appearing, IT IS ORDERED that said Decision No. 48145 be and it is hereby modified by further amending paragraph 1 thereof to provide that the transfer, assignment and conveyance therein authorized may be made at any time on or before May 31, 1954.

Except as modified herein, said Decision No. 48145 shall otherwise be and remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of March, 1954.

A. J. Anderson  
President  
JUSTIN J. COLLIER  
Francis W. Pottel  
John L. McMillin  
Gene Dorman  
Commissioners