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Decision No. 5123S

**ORIGINAL**

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 authoriz- )  
ing (1) the sale and transfer to East )  
Bay Municipal Utility District of )  
public utility property in the City )  
of Walnut Creek, Contra Costa County, )  
and (2) the discontinuance of service )  
by Applicant in certain territory in )  
the City of Walnut Creek, Contra )  
Costa County. )

Application No. 36712

OPINION AND ORDER

California Water Service Company, a corporation (hereinafter called Applicant), is engaged in the business of supplying and distributing water for domestic and industrial purposes in a number of communities in California, including several in Contra Costa County. Until February 1953 it sold water wholesale to the City of Walnut Creek (hereinafter called City), which City operated its own distribution system within its own boundaries. On December 4, 1952 the City was annexed to the East Bay Municipal Utility District (hereinafter called District) and transferred its distribution system to the District. Applicant understands that the District is obligated by agreement to render service to all water consumers within the City's boundaries.

Applicant has furnished water service in certain areas outside the City which have been from time to time then annexed to the City. The utility properties of Applicant in two such areas, one being along Margarido Drive and the other on Holcomb Court, were authorized to be transferred to the District by the Commission's Decision No. 49688, dated February 16, 1954, in Application No. 35060.

According to the application, the District has now informed Applicant that it is presently preparing plans to extend water service into fourteen additional areas, all of which are within the City and are presently served by Applicant. The locations of the areas are listed in the application.

Applicant, to cooperate with the District in the transfer of service, requests authority to sell its facilities in said areas to the District from time to time at such prices as may be mutually agreed upon. Service by the District in the areas to be transferred is stated to be desired by the consumers in these areas who are now subject to taxation by the District. Applicant further requests authority to discontinue and withdraw from public service in the areas listed in the application as soon as service therein is undertaken by the District. The District, although not subject to regulation by the Commission, approves and joins in this application.

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

The above-entitled application to transfer public utility properties having been filed with this Commission, the Commission being of the opinion that no public hearing is necessary, and finding that the proposed transfers will not be adverse to the public interest, therefore,

IT IS HEREBY ORDERED that California Water Service Company, a corporation, on or after the effective date hereof and on or before December 31, 1955, from time to time, may sell and transfer its several public utility system facilities located within the City of Walnut Creek which are listed in the application herein to East Bay Municipal Utility District at such prices and terms as may be mutually agreed upon and at such times as said District is prepared to take over the obligation of rendering the service

to the consumers therein. In each instance applicant corporation shall file with this Commission not less than fifteen days prior to the consummation of the sale and transfer a written report setting forth briefly the details of the transaction and the date upon which the sale and transfer is to be accomplished.

IT IS HEREBY FURTHER ORDERED that:

1. On or before the dates of actual transfer, California Water Service Company, a corporation, shall refund all deposits which customers are entitled to have refunded. In the event that any such deposits shall remain unclaimed at the dates of the actual transfers, the amounts thereof shall be retained by California Water Service Company in a special account without interest.
2. Applicant corporation shall, within thirty days thereafter, notify this Commission in writing, of the completion of each property transfer herein authorized and of its compliance with the terms hereof.
3. Applicant corporation is authorized to withdraw from public utility water service within each of the areas authorized to be transferred herein as of the actual date of delivery of its properties in each of such areas to the East Bay Municipal Utility District.

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

Dated at Los Angeles, California, this 21st day of March, 1955.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners