

ORIGINALDecision No. 51961

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of ANTHONY J. PASCO)
 (Gardenview Water System) to sell)
 portion of physical assets of) Application No. 37176
 public utility.)

OPINION AND ORDER

Anthony J. Pasco,¹ doing business as Gardenview Water System, by application filed July 30, 1955, seeks authority from this Commission to sell and transfer to the City of Fresno,² a municipal corporation, which joins in the application, his public utility water distribution system mains, valves and services indicated on the map, Exhibit "A", attached to the application. Applicant further requests authorization to be relieved of all public utility obligations in connection with the operation of the subject water system upon consummation of the proposed sale.

Oscar Spano and Anthony J. Pasco, copartners, doing business as Gardenview Water System, were granted a certificate of public convenience and necessity to operate a public utility water system by this Commission by its Decision No. 41908, dated July 27, 1948, in Application No. 29064. Oscar Spano transferred his interest in this water system under authority granted by Decision No. 44568, dated July 25, 1950, in Application No. 31573, to Anthony J. Pasco.

The application states that City has offered to pay to Applicant \$11,000 for the distribution mains, valves and services, which facilities are entirely within the City of Fresno. Applicant

1 Sometimes herein called Applicant.

2 Sometimes herein called City.

proposes to reserve title to all other of the water system properties consisting of a lot, pumps and storage tank. The annual report for 1954 filed by Applicant with this Commission shows fixed capital in service in the amount of \$19,204.44 and a depreciation reserve of \$8,381.13 as of December 31, 1954. Of the total capital investment, distribution mains and services are indicated in the amount of \$12,074.15.

Applicant alleges that such sale and incorporation with the City's municipal water system is in the best interest of the consumers now served by Applicant, that the consumers will be provided with greater standby facilities and will be served at equal or lower rates.

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

The Commission having considered the above-entitled application and being of the opinion that the proposed transfer will not be adverse to the public interest, that a public hearing is not necessary, and that the application should be granted; therefore,

IT IS HEREBY ORDERED as follows:

1. That Anthony J. Pasco, doing business as Gardenview Water System, may, on or after the effective date hereof and on or before December 31, 1955, sell and transfer his public utility water distribution system mains, valves and services to the City of Fresno under the terms and conditions set forth in the application.
2. That on or before the date of actual transfer, Anthony J. Pasco 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.
3. That Anthony J. Pasco shall, within thirty days after the actual date of transfer, file with this Commission a verified statement showing all obligations to make refunds of consumers' advances for construction, the amounts thereof, and the names of persons or corporations in whose favor such obligations exist.

- 4. That if the authority herein granted is exercised, Anthony J. Pasco shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized and of his compliance with the conditions hereof.
- 5. That upon the City of Fresno making available water service to the consumers presently served from the facilities sought to be transferred herein and upon due compliance with all of the conditions in this order, said Anthony J. Pasco shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the water system referred to in this application.

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

Dated at San Francisco, California, this 13th day of SEPTEMBER, 1955.

J. E. McNeill
 President
Justin J. Carline
Paul V. Vattermen
Walter J. ...
B. Hardy
 Commissioners