

ORIGINAL

Decision No. 55105

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

ORCHARD DALE SERVICE COMPANY,

to Sell Assets.

Application No. 36845
(First Supplemental)

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 51367, dated April 26, 1955, Orchard Dale Service Company, a public utility water corporation, was authorized to sell and transfer its public utility properties to Orchard Dale County Water District in accordance with the terms of the Agreement of Sale, which had been filed in this proceeding. As a condition to such transfer, Orchard Dale Service Company was ordered to refund all deposits which consumers were entitled to have refunded.

As provided for in the Agreement of Sale, Orchard Dale Service Company did enter into a Declaration of Trust with the California Bank as trustee and did deposit with such trustee the sum of \$149,008.74 for use in making refund payments as they became due on certain outstanding contracts in aid of construction.

Orchard Dale Service Company now requests that the Commission issue a supplemental order specifically approving the Declaration of Trust as one of the terms of the Agreement of Sale and the manner of the payment of refunds of contracts

in aid of construction, as set forth in said Declaration of Trust and declaring that the deposits referred to in ordering paragraph 2 of Decision No. 51367 be identified as deposits made by applicants for water service pursuant to the California Public Utilities Commission's Rule No. 7 and not to deposits under main extension contracts, pursuant to California Public Utilities Commission's Rule No. 15.

The Commission has considered the statements contained in the first supplemental application and is of the opinion that an order should be entered granting applicant's requests; therefore,

IT IS HEREBY ORDERED as follows:

1. The Declaration of Trust, attached to the original application as Exhibit D, is one of the terms contained in the Agreement of Sale previously referred to in ordering paragraph 1 of Decision No. 51367, dated April 26, 1955.
2. The deposits, referred to in ordering paragraph 2 of Decision No. 51367, dated April 26, 1955, refer to deposits made by applicants for water service pursuant to California Public Utilities Commission's Rule No. 7 and not to deposits under main extension contracts pursuant to California Public Utilities Commission's Rule No. 15.
3. In all other respects the provisions contained in Decision No. 51367, dated April 26, 1955, remain unchanged.

4. The authority herein granted will become effective on the date hereof.

Dated at San Francisco, California, this 11th day of JUNE, 1957.

[Signature]
President
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Commissioners