

Decision No. 55739

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of PACIFIC GAS AND ELECTRIC COMPANY )  
and the AVENAL COMMUNITY SERVICES )  
DISTRICT for an order authorizing )  
the former to sell and convey to )  
the latter the water distribution )  
facilities referred to in this )  
petition, in accordance with the )  
terms of an agreement dated )  
August 31, 1956. )

Application No. 38743  
(First Supplemental)

FIRST SUPPLEMENTAL OPINION AND ORDER

Pacific Gas and Electric Company,<sup>1/</sup> a corporation, by this First Supplemental Application, filed September 6, 1957, seeks an order modifying Decision No. 54682, dated March 19, 1957, in this proceeding, to authorize the transfer of Pacific's Avenal Water System to Avenal Community Services District<sup>2/</sup> in accordance with the terms of the agreement dated August 31, 1956, as supplemented by a letter agreement dated July 22, 1957.<sup>3/</sup> District joins in the supplemental application.

It is stated in the supplemental application herein that District was unable to sell its revenue bonds on or before June 30, 1957, under the authority granted by Decision No. 54682. The supplemental letter agreement sets forth additional conditions providing for the payments to be made and the terms under which the transfer is now to be consummated. The supplemental application further states that, pending completion of the sale, District is now, and since June 28, 1957, has been in possession of and operating the Avenal system.

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<sup>1/</sup> Sometimes herein called Pacific.  
<sup>2/</sup> Sometimes herein called District.  
<sup>3/</sup> Exhibit C of First Supplemental Application.

Included in the supplemental application is a request for approval of the late filing of data required under ordering paragraphs 1, 2 and 3 of Decision No. 54682. Inasmuch as Pacific has included in its petition herein the data required by ordering paragraphs 1 and 2, and inasmuch as this material has now been received and filed by the Commission, no extension of time for this purpose will be required.

Ordering paragraph 3 of said Decision No. 54682 requires Pacific to notify this Commission of the completion of the transfer, within thirty days thereafter. As the order herein will authorize the transfer to be consummated under the original agreement as modified by the terms of the supplemental letter agreement, the date of completion of transfer, referred to in said ordering paragraph 3, will be interpreted as the date of consummation of the transaction under the supplemental agreement. Accordingly, no extension of time for compliance with this requirement is presently necessary.

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

IT IS HEREBY ORDERED that the first sentence of ordering paragraph 1 of Decision No. 54682 be and it is revised to read as follows:


1. Pacific Gas and Electric Company, a corporation, may, on or before March 31, 1958, sell and transfer the herein described public utility properties to Avenal Community Services District pursuant to

the document "Agreement For Sale of Avenal Water System" included in the original application as Exhibit No. 2, and the supplemental letter-agreement attached to the First Supplemental Application as Exhibit C.


IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 54682 shall remain in full force and effect.

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

Dated at San Francisco, California, this 28th day of October, 1957.

  
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President

  
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Commissioners