

Decision No. 57825**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 authorizing )  
 (1) the sale and transfer to the City )  
 of Menlo Park of applicant's water )  
 system in the County of San Mateo )  
 serving Bohannon Industrial Park Unit )  
 No. 2, and (2) the discontinuance of )  
 service by applicant in the Bohannon )  
 Industrial Park Unit No. 2 subdivision )  
 of the City of Menlo Park. )

Application No. 40464

OPINION AND ORDER

California Water Service Company,<sup>1/</sup> a corporation, by application filed September 26, 1958, seeks authority to sell and transfer, to the City of Menlo Park,<sup>2/</sup> that portion of Seller's public water system in San Mateo County serving the area in Menlo Park known as Bohannon Industrial Park Unit No. 2. David D. Bohannon Organization,<sup>3/</sup> a corporation, David D. Bohannon and Ophelia E. Bohannon,<sup>4/</sup> and City join in the application.

The installation of the facilities proposed to be transferred was completed by Seller in December, 1956, at a cost of \$15,891.65. This amount was advanced by Bohannon and is subject to refund under the terms and conditions set forth in Seller's filed main extension rule. Pursuant to the provisions of the rule, a refund of \$35.31 has been made. The only customers presently receiving service from the facilities are one industrial concern and a fire protection district. Both customers have consented to the transfer of the facilities.

The terms and conditions of the proposed transfer are set forth in an agreement, entered into by Seller, Developer, Bohannon,

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- <sup>1/</sup> Sometimes herein called Seller.  
<sup>2/</sup> Sometimes herein called City.  
<sup>3/</sup> Sometimes herein called Developer.  
<sup>4/</sup> Sometimes herein called Bohannon.

and City. A copy of the agreement is attached to the application as Exhibit 1. The facilities proposed to be transferred consist of mains, hydrants, services and miscellaneous water system facilities. The consideration for the proposed transfer is to be \$100 in cash, to be paid by Developer. Bohannon and Developer agree to execute an instrument releasing Seller from all its obligations under their existing main extension agreement, including the obligation to refund the amount advanced under the terms of the agreement. Developer also agrees to bear the expense of physically severing the facilities from Seller's system. City agrees to undertake the distribution of water in the area served by the facilities and to assume all public service obligations connected with them.

The action taken herein shall not be construed to be a finding of the value of the 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 that:

1. California Water Service Company, a corporation, may, on or after the effective date hereof, and on or before April 30, 1959, sell and transfer the herein described public utility water system properties to City of Menlo Park, in accordance with the terms and conditions set forth in the agreement attached to the application as Exhibit No. 1. The foregoing authority is conditional on the following:

- (a) California Water Service Company, David D. Bohannon and Ophelia E. Bohannon, and David D. Bohannon Organization shall enter into an agreement by which California Water Service Company is released from any and all obligations under the main extension

agreement executed in connection with the installation of the herein-described public utility water system properties, and they shall jointly file with this Commission certified copies of said release agreement within thirty days after the date of actual transfer.

(b) The foregoing requirements of paragraph 1(a) hereof constitute conditions of the authority herein granted.

2. California Water Service Company shall, on or before the date of actual transfer of the herein-described public utility water system properties to City of Menlo Park, refund all customers' deposits connected with said properties, if any, and, within thirty days thereafter, notify this Commission in writing of the date of completion of such refunding.

3. If the authority herein granted is exercised, California Water Service Company shall notify this Commission in writing of the date of such completion of the property transfer herein authorized and its compliance with the conditions hereof.

4. Upon the compliance with all the conditions of this order, California Water Service Company shall stand relieved of all further public utility obligations and liabilities in connection with the public utility water system properties herein authorized to be transferred.

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

Dated at San Francisco, California, this 25th day of November, 1958.

S. L. Fox  
 President

Walter E. ...

Walter ...

Herbert ...

Commissioners