

Decision No. 57884

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)	Application No. 40697
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.)	

OPINION AND ORDER

By this application, filed December 23, 1958, California Water Service Company^{1/}, a corporation, seeks authority to sell and transfer its public utility properties in that portion of the City of Walnut Creek^{2/} known as Local Improvement District No. 7, Larkey Area, to East Bay Municipal Utility District^{3/}, which joins in the application. Company also requests authority to withdraw from public utility service within the boundaries of Local Improvement District No. 7, Larkey Area.

A copy of the proposed transfer agreement executed by Company, City and District is attached to the application as Exhibit A. The agreement contains a description of the properties proposed to be transferred, including mains, services, and meters to serve 71 premises.

Under the terms of the agreement, the consideration for the proposed transfer is to be the sum of \$12,080, which is stated to be the estimated reproduction cost of the properties, less accrued

^{1/} Sometimes herein called Company.
^{2/} Sometimes herein called City.
^{3/} Sometimes herein called District.

depreciation. The original cost of the properties described in the agreement is alleged in the application to have been \$10,287, and the depreciated book cost \$9,915, thus indicating accrued depreciation of \$372.

The agreement provides that the acquisition of the properties by District is to be accomplished by means of special assessment proceedings under the Municipal Improvement Act of 1913 and the Improvement Act of 1911. Under said proceedings, bonds are to be sold by City and the proceeds thereof used to pay Company.

The application states that there are no outstanding customers' deposits and that Company will retain the obligation to make refunds under an outstanding main extension agreement.

City has requested by telegram that action on the application be expedited in order that the transfer may be consummated by February 4, 1959. For this reason the authority herein granted will become effective ten days after the date hereof.

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 July 31, 1959, sell and transfer the herein described public utility properties to East Bay Municipal Utility District pursuant to the agreement attached to the application herein as Exhibit A.

2. On or before the date of actual transfer, California Water Service Company shall refund all customers' deposits, if any, which are subject to refund, and within thirty days thereafter shall notify this Commission in writing of the completion of such refunding.

3. California Water Service Company shall, within thirty days after the date of actual transfer, file with this Commission a verified statement showing all obligations to make refunds of advances for construction, the amounts thereof and in whose favor such obligations exist as of the date of transfer.

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

5. Upon due compliance with all the conditions of this order, California Water Service Company is authorized to withdraw from public utility water service within the area herein authorized to be transferred as of the actual date of delivery of its properties in such area to East Bay Municipal Utility District.

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

Dated at San Francisco, California, this 20th day of January, 1959.

E. J. Fox
President
John Mitchell
William J. ...
Frederic ...

Commissioners