

ORIGINALDecision No. 58219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MERLIN E. POORE and)
 EDITH POORE, doing business as)
 AGNEW WATER WORKS, to sell, and)
 CITY OF SANTA CLARA, SANTA CLARA)
 COUNTY, to purchase, utility real) Application No. 40930
 and personal property, together)
 with utility rights of AGNEW WATER)
 WORKS, under Sections 851-852 of)
 the Public Utilities Code.)

OPINION AND ORDER

Merlin E. Poore and Edith Poore,^{1/} individuals, doing business as Agnew Water Works, by application filed March 16, 1959, seek authorization to sell and transfer their public utility water system to the City of Santa Clara,^{2/} which joins in the application.

The subject water system is located in the unincorporated community of Agnew, Santa Clara County. Commission records indicate that the utility served approximately 114 customers as of December 31, 1957.

The terms and conditions of the proposed transfer are set forth in the application and in a letter from Sellers to City's Council dated February 4, 1959, a copy of which is attached to the application as Exhibit "A." It is stated that Sellers are to transfer to City the entire water system, including all property necessary or incidental to it, and City is to continue to operate the system. The consideration for the transfer is to be the sum of \$16,500.

The application states that the demands of Sellers' other enterprises prevent them from carrying on the operation of the water system and that Sellers desire to retire from such activity.

^{1/} Sometimes hereinafter called "Sellers."

^{2/} Sometimes hereinafter called "City."

Commission records indicate that rates for the subject water system were originally filed in 1912 and that no certificate of public convenience and necessity was applied for nor required.

The utility's annual report to the Commission for the year ended December 31, 1957 shows, as of that date, utility plant in the amount of \$20,895.45 and depreciation reserve in the amount of \$8,767.44, indicating net utility plant of \$12,128.01.

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

The application states that applicants desire to effect the proposed sale and transfer as soon as permission may be granted. Consequently, the effective date of this order shall be ten days after the date hereof.

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. Merlin E. Poore and Edith Poore may, on or after the effective date hereof and on or before September 30, 1959, transfer the public utility properties described in the application to the City of Santa Clara in accordance with the terms and conditions set forth in the application and in the letter to the Santa Clara City Council dated February 4, 1959, a copy of which is attached to the application as Exhibit "A."

2. On or before the date of actual transfer, Merlin E. Poore and Edith Poore shall refund all customers' deposits and advances for construction, if any, which are subject to refund, and, within

thirty days thereafter, shall notify this Commission, in writing, of the date of the completion of such refunding.

3. If the authority herein granted is exercised, Merlin E. Poore and Edith Poore shall, within thirty days thereafter, notify this Commission, in writing, of the date of such completion of the property transfer herein authorized and of their compliance with the conditions hereof.

4. Upon due compliance with the conditions of this order, Merlin E. Poore and Edith Poore shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the public utility properties herein authorized to be transferred.

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

Dated at San Francisco, California, this 7th day of April, 1959.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners