

Decision No. 60422**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 East Bay  
 Municipal Utility District of public  
 utility property in the 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.

Application No. 42318

OPINION AND ORDER

By this application, filed June 3, 1960, California Water Service Company<sup>1</sup>, a corporation, seeks authority to sell and transfer its public utility properties in that portion of the City of Walnut Creek<sup>2</sup> known as Local Improvement District No. 9 Larkey Area to East Bay Municipal Utility District<sup>3</sup>, which joins in the application. Utility also requests authority to withdraw from public utility service within the boundaries of Local Improvement District No. 9 Larkey Area.

A copy of the agreement of transfer as executed by Utility, City, and District is attached to the application as Exhibit A. The agreement contains a description of the properties to be transferred, including mains, services, fire hydrants and meters as required to serve approximately 165 premises.

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<sup>1</sup> Sometimes herein called Utility.  
<sup>2</sup> Sometimes herein called City.  
<sup>3</sup> Sometimes herein called District.

Under the terms of the agreement, the consideration for the proposed transfer is to be the sum of \$18,280. The original book cost of the properties to be transferred is alleged in the application to have been \$17,286, and the depreciated book cost \$13,189, thus indicating a book depreciation reserve of \$4,097.

The agreement provides that the acquisition of the properties is to be accomplished by means of special assessment proceedings. Under such proceedings, City is to obtain funds with which to compensate Utility for the properties to be conveyed to District.

The application states that there are no outstanding customers' deposits and that Utility will retain the obligation of refunds under two outstanding main extension agreements.

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 and so finds 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 December 31, 1960, sell and transfer the herein described public utility properties to East Bay Municipal Utility District pursuant to the agreement attached to the application as Exhibit A.

2. On or before the date of actual transfer, California Water Service Company shall refund all customers' deposits outstanding in connection with the properties to be transferred, 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 the 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 of the conditions hereof.

5. Upon due 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 operation of the public utility 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 26<sup>th</sup> day of July, 1960.

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 President

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 Commissioners