

Decision No. 61257

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FREEMAN B. RALSTON,
JACK F. RALSTON and RUSSELL ROGERS,
doing business as RALSTON ASSOCIATES,
to sell and MADERA COUNTY IMPROVEMENT
DISTRICT NO. 1 to Purchase HIDDEN
LAKES ESTATES WATER SYSTEM.

Application No. 42780

OPINION AND ORDER

By this application filed on October 21, 1960, Freeman B. Ralston, Jack F. Ralston and Russell Rogers, doing business as Ralston Associates, seek authority to sell to Madera County Improvement District No. 1, a certain water system installed in Hidden Lake Estates, a subdivision located on the North Shore of Millerton Lake, about 25 miles north of Fresno. Madera County Improvement District No. 1 did not join in the application.

Under the provisions of Decision No. 59172, dated October 20, 1959, in Application No. 39756, the Commission granted applicants a certificate of public convenience and necessity to construct and operate a public utility water system within the territory here involved. This decision authorized applicants to file rates and rules, including a tariff service area map, and directed them to make certain filings and notifications to the Commission, within specified numbers of days after the effective date of the decision. It was further provided that the authorization granted by Decision No. 59172 would expire if not exercised within one year after the effective date of the decision.

Paragraph 9, of the application states, as follows:
"That said water system is being sold to a public entity; that the permit to operate said system has not at any time been exercised in that said system has never been operated and never delivered water to any consumers, nor made any charges whatsoever, nor in any manner conducted any business as a public utility."

The effective date of Decision No. 59172 was November 9, 1959. The authority granted therein has not been exercised within one year from its effective date; therefore, applicants, doing business as Ralston Associates, do not have the authority contemplated by Commission Decision No. 59172.

The Commission has considered applicants' request for authority to sell their water system to Madera County Improvement District No. 1. Inasmuch as it is alleged by applicants that they have not operated a public utility water system under Commission jurisdiction and authorization to so operate has now expired, the Commission is of the opinion that completion of this sale under the circumstances does not require Commission authorization; accordingly,

IT IS ORDERED that Application No. 42780 be, and the same is hereby dismissed, without prejudice.

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

Dated at San Francisco, California, this 28th day of DECEMBER, 19 60.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners