

ORIGINALDecision No. 62687

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 JOHN M. ARSENIO and HARRY F. COCHRANE,
 doing business under the name and style
 of ARSENIO & COCHRANE WATER SERVICE, to
 sell to HOME GARDEN COMMUNITY SERVICES
 DISTRICT the Water System now owned by
 Applicants.

Application No. 43651

O P I N I O N

John M. Arsenio and Harry F. Cochrane filed this application seeking authority to transfer a public utility water system to Home Garden Community Services District, a public district of the County of Kings.

The district includes Home Garden Tracts Nos. 1, 2 and 3. The application alleges that the district is furnishing water in Tracts Nos. 1 and 2, but that No. 3 is served by applicants Arsenio and Cochrane under a certificate of public convenience and necessity issued by this Commission. Arsenio and Cochrane propose to sell their system to the district, which proposes to combine it with the system it now has, and operate the two systems as a single unit.

The Commission finds:

1. That the proposed transfer would not be contrary to the public interest.

2. That upon completion of the transfer requested in the application public convenience and necessity will no longer require the public utility water service of John M. Arsenio and Harry F. Cochrane.

Applicants are placed on notice that the authorization herein granted is not to be construed as a finding of the value of the properties to be transferred.

A public hearing is not necessary.

O R D E R

Application having been filed and the Commission having considered all the allegations thereof,

IT IS HEREBY ORDERED that:

1. (a) John M. Arsenio and Harry F. Cochrane may, on or after the effective date hereof and on or before December 31, 1962, transfer the herein described public utility property in Home Garden Tract No. 3, Kings County, to Home Garden Community Services District in accordance with the terms and conditions set forth in the application.

(b) The authorization herein granted shall not become effective until Home Garden Community Services District shall have filed with this Commission a certified copy of a stipulation to the effect that said district acquires the property conveyed in accordance with the terms and conditions set forth in the application herein, subject to all legal claims for water service which might have been enforced against John M. Arsenio and Harry F. Cochrane, including such claims as may exist in territory outside of the boundaries of said district.

2. On or before the date of actual transfer, John M. Arsenio and Harry F. Cochrane shall refund all customers' deposits and advances for construction which are subject to refund, if any, 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, John M. Arsenio and Harry F. Cochrane shall, within thirty days thereafter, notify this Commission in writing of the date of the completion of

the property transfer herein authorized and of their compliance with the conditions hereof.

4. Upon due compliance with all the conditions of this order, John M. Arsenio and Harry F. Cochrane shall stand relieved of all further public utility obligations and liabilities in connection with the operation of the public utility water system 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 17th day of October, 1961.

President

Commissioners