

ORIGINAL

63529

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
the SONOMA WATER & IRRIGATION CO.  
for an order approving and author-  
izing sale and transfer of certain  
of its properties to VALLEY OF THE  
MOON COUNTY WATER DISTRICT (a  
County Water District, organized  
under the laws of the State of  
California), under and in accordance  
with Agreement of Sale.

Application No. 44189  
(Filed February 14, 1962)

OPINION AND ORDER

By this application, Sonoma Water & Irrigation Co., a California corporation, seeks authority to sell substantially all of its assets to Valley of the Moon County Water District, a county water district organized under the laws of this State, which joins in this application.

The application alleges as follows: that pursuant to the law and statutes of this State, District has been formed as a county water district to serve domestic water in the area presently served by the utility; that District has heretofore expressed its intent to acquire and operate the water system operated by the utility and has advised the utility that in the event a sale by negotiation is not accomplished between District and the utility, District may exercise its statutory powers of eminent domain and other rights granted to it by this State to acquire the said system of the utility; that District desires to serve the inhabitants of the area presently served by the utility and to that end desires to purchase certain properties of the utility; that negotiations have proceeded between

District and the utility to determine a fair evaluation of the properties of the utility to be acquired by District; and that the utility and District have entered into an "Agreement for the Sale of Certain Assets of the Sonoma Water & Irrigation Co." A copy of the agreement is attached to the application as Exhibit 1.

District has agreed to assume any and all future liabilities, duties and obligations of the utility's existing main extension agreements.

The Commission finds that the proposed transfer is not adverse to the public interest and should be authorized. The action taken herein, however, shall not be construed to be a finding of the value of the properties to be transferred.

Public hearing is not necessary. Accordingly,

IT IS ORDERED that:

1. On or after the effective date hereof and on or before December 31, 1962, Sonoma Water & Irrigation Co. may transfer and sell to Valley of the Moon County Water District its public utility water system in accordance with the terms and conditions of the "Agreement for the Sale of Certain Assets of Sonoma Water & Irrigation Co." as signed by the parties on February 12, 1962, and attached to the application herein as Exhibit 1 thereof. The foregoing authority is conditioned upon the requirement that the Valley of the Moon County Water District shall assume all obligations for refund of construction advances made to Sonoma Water & Irrigation Co. under the provisions of main extension agreements outstanding as of the date of actual transfer and said District and the utility shall jointly file with this Commission, within thirty days after that date, a verified statement showing the name and address of each person or corporation in whose favor any of such refund obligations

exist and the unrefunded amount of construction advance subject to repayment to each such person or corporation.

2. The hereinabove acquisition agreement shall not be modified or amended, except as to the date or dates of closing, unless authority to modify or amend said agreement shall have been obtained from this Commission.

3. On or before the actual date of transfer, Sonoma Water & Irrigation Co. shall refund all customers' deposits for the establishment of credit, which are subject to refund and within ten days thereafter shall report to this Commission in writing of the completion of such refunding.

4. Within ten days after the actual date of transfer, Sonoma Water & Irrigation Co. shall notify this Commission of the date of transfer and the date upon which the Valley of the Moon County Water District assumed operation of the water system herein authorized to be transferred.

5. Upon compliance with all the above conditions of this order, Sonoma Water & Irrigation Co. shall stand relieved of all further public utility obligations in connection with the operation of the public utility water system properties herein authorized to be transferred.

6. The acceptance of the herein-concerned properties by the Valley of the Moon County Water District shall constitute consent by

it to all conditions of the order herein which have application to said District.

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

Dated at San Francisco, California, this  
5<sup>th</sup> day of April, 1962.

Everett R. Page  
President  
John T. McDowell  
E. Lyn Fox  
\_\_\_\_\_  
Commissioners

*I dissent. In my opinion a public hearing should be held.*

*George G. Traver*

Commissioner Frederick B. Holoboff did not participate in the disposition of this proceeding.

*Frederick B. Holoboff*