

ORIGINALDecision No. 64400

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF ARLIE S. MOORE, deceased, doing business as the JOSEPH A. MOORE WATER COMPANY, a sole proprietorship, and DEL ESTE WATER COMPANY, a corporation, (1) for an order authorizing the sale and transfer to DEL ESTE WATER COMPANY of the water system of the JOSEPH A. MOORE WATER COMPANY, and (2) the discontinuance of service by the JOSEPH A. MOORE WATER COMPANY in the territory in the City of Modesto, now served by the JOSEPH A. MOORE WATER COMPANY and (3) the extension of service into said territory by DEL ESTE WATER COMPANY.

Application No. 44673
(Filed July 30, 1962)

O P I N I O N

Applicants jointly request authority to carry out an agreement, dated July 18, 1962 (Application, Exhibit F) for the sale and transfer by the Estate of Arlie S. Moore to the Del Este Water Company, for the sum of \$25,479.50 cash, of the water system and public utility properties known as the "Joseph A. Moore Water Company" described in the agreement and located in Modesto.

Authority is also requested by the Estate of Arlie S. Moore and the "Joseph A. Moore Water Company" to discontinue public utility service in the territory in the City of Modesto, County of Stanislaus, served by the properties to be conveyed to the Del Este Water Company, upon consummation of the sale and transfer to Del Este of such properties. Del Este requests authority to operate the Moore system as part of its Modesto Del Este System

No. 2, to which, applicants allege, it is contiguous and with which it has been connected, since September 1, 1959, for standby purposes. Del Este proposes to operate the Moore system and to furnish water service to customers presently being served by that system at the rates now being charged by the Moore system, but in accordance with Del Este's presently effective rules.

The Moore system, it is alleged, presently serves some 385 customers (367 flat rate; 18 metered). Water is secured from three 12-inch wells with a total pumping capacity of 1440 gallons per minute. The distribution mains consist of approximately 18,287 feet of 1- to 6-inch welded steel main.

The Moore company's balance sheet as of April 30, 1962 (Application, Exhibit D) indicates that there are no construction advances outstanding which are subject to refund under the company's main extension rule.

Applicants state that the heirs at law of Arlie S. Moore do not desire to engage in the public utility water business and that the seller believes it would be to the advantage of the customers of the "Joseph A. Moore Water Company" that its water system be owned and operated by the Del Este Water Company.

On consideration of the application we find that the proposed sale and transfer are not adverse to the public interest. The application should and will be granted in accordance with the following order. The action taken herein, however, shall not be construed to be a finding of value of the properties herein authorized to be transferred. A public hearing is not necessary.

O R D E R

An application having been filed and the Commission having determined that the application should be granted,

IT IS ORDERED that:

1. The Estate of Arlie S. Moore, deceased, after the effective date of this order and on or before April 1, 1963, may

sell and transfer to Del Este Water Company, a California corporation, substantially in accordance with the terms and conditions of the agreement of sale between said parties, dated July 18, 1962, a copy of which is attached to the application herein as Exhibit "F" thereof, the water system and public utility properties comprising the "Joseph A. Moore Water Company", located in the City of Modesto, County of Stanislaus, California.

2. Seller, on or before the actual date of transfer, shall refund all customers' deposits for the establishment of credit which are subject to refund.

3. Within thirty days after consummation of the transfer herein authorized, seller shall file with the Commission two fully conformed copies of the instrument or instruments of transfer, as executed, and shall also, within said period, file with the Commission a statement, certified by the executor of the Estate of Arlie S. Moore, to the effect that as of the date of actual transfer of the properties comprising the "Joseph A. Moore Water Company" there remain no unrefunded customers' deposits.

4. Del Este Water Company, in accordance with applicable provisions of General Order No. 96-A and on not less than five days' notice to the Commission and the public, shall, concurrently with consummation of the transfer herein authorized, make effective tariff filings that will reflect the inauguration of service by purchaser with respect to the Moore water system, at presently effective rates of the "Joseph A. Moore Water Company" but under presently effective rules of the Del Este Water Company.

5. The Estate of Arlie S. Moore, on compliance with the foregoing provisions of this order, shall stand relieved of any

public utility obligations in the area served by the transferred property and may discontinue service concurrently with the commencement of service, which is hereby authorized, by the Del Este Water Company.

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

Dated at San Francisco, California, this 16th day of OCTOBER, 1962.

George G. Grover
President

John E. Mitchell

W. Lynn Fox
Robert B. Ray

Fredrick B. Holhoff
Commissioners