

ORIGINAL

Decision No. 65571

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application for
the Transfer of all the assets of
Henry Zilz, Ida Zilz, Fred Werstein
and Leah Werstein, doing business as
Jesmond Dene Water Company, to
Valley Center Municipal Water District.

Application No. 45399
(Filed May 2, 1963)

OPINION AND ORDER

Authority is sought herein by Henry Zilz, Ida Zilz, Fred Werstein, and Leah Werstein, ^{1/} individuals, doing business as Jesmond Dene Water Company, to transfer their water system in Jesmond Dene, Unit No. 1, a subdivision in San Diego County, near Escondido, to Valley Center Municipal Water District. ^{2/} This application was filed pursuant to Section 851 of the Public Utilities Code.

Applicants' predecessors were declared to be a public utility by the Superior Court of the State of California in and for the County of San Diego in 1941 in the case of Benjamin and Barbara Vaganov vs. George E. and Olga Nelson, et al, Docket No. 102761. Applicants furnish domestic water service in an area comprising approximately 40 acres located near U. S. Highway 395, approximately 4 miles north of Escondido. Water service is furnished to customers through 33 meters.

1/ Hereinafter referred to as applicants.

2/ Hereinafter referred to as district.

Exhibit "E" attached to the application is an Agreement, dated November 2, 1962, between applicants and district, providing for the transfer by applicants to district of applicants' entire water system without cost to district.

Applicants' sole source of water supply, since August 1956, has been Metropolitan Water District and San Diego County Water Authority water. Applicants' service area is wholly within the boundaries of district. District is a member agency of both the Metropolitan Water District of Southern California and San Diego County Water Authority, and all territory within the district is within the boundaries thereof.

Applicants' rates for water service were established by Decision No. 58197, dated March 31, 1959, in Application No. 40442, and a copy of Schedule No. 1, General Metered Service, is attached to the application as Exhibit "C". Also attached to the application, as Exhibit "D", is a copy of District Ordinance No. 39 setting forth district's existing rates for water service. District's rates are equal to or lower than applicants'.

Findings

After consideration the Commission finds that district appears to be capable of rendering efficient water service to applicants' consumers at equal or lower rates, and that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

IT IS ORDERED that:

1. Henry Zilz, Ida Zilz, Fred Werstein, and Leah Werstein, individuals, doing business as Jesmond Dene Water Company, are authorized to transfer their entire water system to Valley Center Municipal Water District pursuant to the terms of the Agreement, dated November 2, 1962, attached to the application herein as Exhibit "E", subject to the following conditions:

- (a) Applicants shall refund any and all customers' deposits, and shall notify the Commission in writing thereof.
- (b) Applicants shall make provision for the refund of any and all outstanding advances for construction, and shall notify the Commission in writing thereof.
- (c) Within thirty days after the date of actual transfer, applicants shall notify this Commission in writing of the completion of the property transfer herein authorized and of their compliance with the conditions listed above.

2. Upon compliance with the conditions of this order, applicants shall stand relieved of their public utility obligations

in connection with the 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 9th day of JULY, 1963.

William W. Burnett
President
George T. Hoover
Fredrick B. Hallock
Commissioner's