

66400

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the COUNTY WATER COMPANY, a California corporation, for authority and permission to merge BERLU WATER COMPANY, a California corporation, of Bellflower, California, and SUBURBAN MUTUAL WATER COMPANY, a Trust, of Norwalk and Artesia, California, with COUNTY WATER COMPANY, into one company to be known as COUNTY WATER COMPANY. Authority and permission is also requested for COUNTY WATER COMPANY to issue additional stock in exchange for existing stock in BERLU WATER COMPANY and SUBURBAN MUTUAL WATER COMPANY. Authority and permission is also requested to retain and use the rates and charges for services rendered of COUNTY WATER COMPANY, when and if said mergers and stock transfers are approved by the PUBLIC UTILITIES COMMISSION.

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) Application No. 42210
) PETITION FOR EXTENSION
) OF TIME

In the Matter of the Application of COUNTY WATER COMPANY, a corporation, for approval of sale of a portion of the system presently operated as a Public Utility Water purveyor, to the City of Norwalk.

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) Application No. 45720
) PETITION FOR REHEARING

O P I N I O N

By petition filed October 10, 1963, County Water Company (petitioner), a corporation, requests (1) an extension of time within which to exercise the authorities granted by Decision No. 61483, dated February 14, 1961, in Application No. 42210, and (2) a rehearing of Application No. 45720 in respect to Decision No. 66098, dated October 1, 1963.

Application No. 42210

Decision No. 61483 authorized the transfer of certain utility properties from Berlu Water Company, John A. Erickson and Suburban Mutual Water Company to petitioner herein. The transfer authorization was conditioned upon compliance with several requirements set forth in detail in the order. The requirements were not met.

Petitioner now alleges that it has complied with all of the requirements of Decision No. 61483 except ordering paragraphs (4) e.2 and (4) d. Those paragraphs require the refiling of tariffs by petitioner and the written notification by all parties involved, stating the dates of completion of stock and property transfers and compliance by each party with the conditions of the order. Petitioner states it will take immediate steps to comply with these remaining outstanding requirements. Presumably it will also induce the other parties to comply.

As petitioner points out, the remaining items of compliance are procedural. They are neither onerous nor complicated to effect. Petitioner's unseemly delay has caused this Commission, the City of Norwalk, and petitioner itself unnecessary inconvenience, as discussed hereinafter. Under these circumstances, petitioner will be required to comply with all of the requirements of Decision No. 61483 by December 31, 1963.

Application No. 45720

Decision No. 66098 dismissed petitioner's application for authority to sell part of its utility properties to the City of Norwalk. Due to the lack of compliance previously discussed, petitioner had no authority to acquire those properties so it would not have been appropriate to authorize their further transfer to the city.

The modification of Decision No. 61483 granted herein will enable petitioner to remove the present obstacle to the transfer to the City of Norwalk. The petition for rehearing in this proceeding will be denied, but this Commission will consider setting aside its order of dismissal and acting upon Application No. 45720 upon petitioner's timely compliance with the requirements of Decision No. 61483.

Findings and Conclusions

The Commission finds that:

1. County Water Company, petitioner, has not complied with all of the requirements of Decision No. 61483.

2. Establishment of December 31, 1963 as the date by which petitioner must effect full compliance with Decision No. 61483 would not be adverse to the public interest.

3. No good cause has been shown for the granting of a rehearing in respect to Decision No. 66098 at this time.

The Commission concludes that Decision No. 61483 should be modified as set forth in the ensuing order, but that the petition for rehearing should be denied.

ORDER

IT IS ORDERED that:

1. Ordering paragraph (3) of Decision No. 61483 is modified to delete the date, "September 30, 1961" therefrom and to substitute therefor the date, December 31, 1963.

2. The petition for rehearing in respect to Decision No. 66098 is denied.

3. Except as hereinabove modified, Decision No. 61483 remains in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of DECEMBER, 1963.

William B. ...
 President

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George G. Grover

Frederick B. Holbrook
 Commissioners