

**ORIGINAL**Decision No. 73044

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HILLSIDE WATER COM- )  
 PANY for approval of condemnation )  
 sale and for order to be relieved )  
 of its public utility obligations. )

Application No. 49465  
 Filed June 14, 1967

O P I N I O N

Applicant Hillside Water Company, by this application, is requesting the Commission to issue (1) an order approving the condemnation sale of its utility property to County Waterworks District No. 29, County of Los Angeles, and (2) an order permitting said applicant to relinquish its certificate of public convenience and necessity and relieving it of all its obligations as a public utility water company.

Based upon a consideration of the information set forth in the application, the Commission finds as follows:

1. On August 30, 1928, this Commission, by Decision No. 20187, in Application No. 14717, granted applicant a certificate of public convenience and necessity to operate a public utility water system located generally within the areas commonly known as the "Post Office Tract," and the "Fernwood Pacific Area," and areas adjacent thereto, all within the Topanga Canyon Area of Los Angeles County.

2. On or about May 18, 1965, County Waterworks District No. 29 of the County of Los Angeles filed a complaint against the applicant herein in the Superior Court of Los Angeles County, Case No. 860,535, by which the complainant sought to condemn applicant's water transmission and distribution system and ancillary facilities and to acquire the same for said County Waterworks District.

3. On or about March 1, 1966, said County Waterworks District and applicant entered into a stipulation that the total value of all assets of applicant in said water system and facilities, with the exception of nine real property sites and water system facilities located thereon, was the sum of \$20,000; that there was a present liability of applicant for water sold by said County Waterworks to applicant which was to be deducted from the just compensation to be paid by said County Waterworks District to the applicant; and that upon said application of funds, said County Waterworks District would assume applicant's obligation to provide water service.

4. The book cost of the total of the nine real property sites and water system facilities located thereon, as described in Exhibit D of the application, is \$9,000.

5. On or about August 8, 1966, the court rendered an interlocutory judgment in accordance with the stipulation set forth above. Said judgment further provided for entry of a final order of condemnation in conformity therewith, and such final order of condemnation was duly entered on August 24, 1966.

6. Said County Waterworks District has since expunged from the record applicant's debt to it and has assumed all of applicant's public utility obligations and is supplying service to applicant's former consumers at a reduction in rates.

7. Any and all claims, obligations, mortgages, liens or encumbrances which existed against any of said condemned properties, and any and all credits to applicant's consumers have been liquidated by applicant.

8. The transfer pursuant to the order of condemnation is not adverse to the public interest.

9. A public hearing herein is not necessary.

Based upon the foregoing findings the Commission concludes that the application should be granted.

ORDER

IT IS HEREBY ORDERED that:

1. The transfer of applicant's utility property to County Waterworks District No. 29, County of Los Angeles, by condemnation sale pursuant to the final order of condemnation in Case No. 860,535 by the Superior Court of Los Angeles County, filed August 22, 1966 and entered of record on August 24, 1966, is authorized.

2. On the effective date of this order the applicant Hillside Water Company is relieved of its public utility obligations in connection with the utility system herein authorized to be transferred and also in connection with the nine real property sites described in Exhibit D of the application herein and excluded from said transfer.

3. On the effective date of this order all maps, rates and rules on file with the Commission covering the services referred to in the application are canceled and annulled.

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

Dated at San Francisco, California, this 12<sup>th</sup> day of SEPTEMBER, 1967.

[Signature]  
President  
[Signature]  
[Signature]  
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Commissioners