

Decision No. 77126

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CLYDE W. HENRY, dba)
FRIENDLY ACRES WATER COMPANY, JOHN)
M. ENGLAND, Receiver, and CITY OF)
REDWOOD CITY, a municipal corpo-)
ration of the State of California: }

Application No. 51785
(Filed March 25, 1970)

O P I N I O N

Clyde W. Henry and John M. England, as Receiver of the estate of Clyde Henry, a debtor in proceedings under Chapter XI of the Bankruptcy Act, have requested authority to sell and transfer the Friendly Acres Water Company to the City of Redwood City. ✓

Pursuant to a Plan of Arrangement suitable to the creditors of Clyde W. Henry, applicants have entered into an agreement with the City of Redwood City whereby said city would purchase the entire system for a cash consideration of \$150,000 and would integrate said system into its existing water works. The city has agreed to assume liability for the return of customer deposits to establish credit. The city also should be required to assume liability for refund of main extension advances, if any.

The Commission has been informed of the death of Mr. Henry on April 13, 1970. The order which follows will provide for the executor of his estate to comply with the terms and conditions of the order.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest, and upon consummation of the transfer, that public convenience and necessity would no longer require applicant Clyde W. Henry to serve within the area herein considered. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before November 1, 1970, the executor of the will of Clyde W. Henry and John M. England, as Receiver of the estate of Clyde W. Henry, may transfer to the City of Redwood City the water system herein referred to according to the terms and conditions of the agreement attached to the application. ✓

2. Within thirty days after the consummation of the transfer authorized by ordering paragraph 1 hereof, applicants shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. The foregoing authority is conditioned upon the City of Redwood City assuming all liability for refunds of main extension advances, if any.

4. Upon compliance with the conditions of this order, the executor of the will of Clyde W. Henry and John M. England, Receiver, shall stand relieved of their public utility obligations, and may discontinue service concurrently with the commencement of service by the City of Redwood City. ✓

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

Dated at San Francisco, California, this 21st
day of APRIL, 1970.

Augustus
President
William L. Stinson
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.