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Decision No. 77146

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DUTCH FLAT MUTUAL WATER COMPANY for order permitting transfer of the property of Dutch Flat Water Works to the Water Company.

) Application No. 51790
) (Filed March 26, 1970)

O P I N I O N

The instant application requests authority for Wells Fargo Bank, National Association, as trustee of the trust created by the will of Arthur W. Nicholls, to transfer the Dutch Flat Water Works to the Dutch Flat Mutual Water Company.

Arthur W. Nicholls, owner of the Dutch Flat Water Works located at Dutch Flat, Placer County, California, died on October 21, 1966. The system has since been operated by the Wells Fargo Bank, National Association, first as executor and then as Trustee of a trust created by the will of Arthur W. Nicholls. An attempt by Arthur W. Nicholls to bequeath the system to the owners of property actively served by said water system was held invalid because of a violation of the rule against perpetuities. Pursuant to an action brought by the users of the system the Superior Court in and for the County of Alameda issued its order instructing the trustee to transfer the system and \$10,000 to the Dutch Flat Mutual Water Company.

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 Wells Fargo Bank, National Association, as Trustee of the will of Arthur W. Nicholls to serve within the area herein considered. A further hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before September 1, 1970, Wells Fargo Bank, National Association, as trustee of the trust created by Arthur W. Nicholls, may transfer to Dutch Flat Mutual Water Company the water system herein referred to according to the terms and conditions as set forth in the application.

2. On or before the date of actual transfer, seller shall refund all customers' deposits and all advances for construction which are subject to refund and due to be refunded on or before said transfer date.

3. Upon compliance with the conditions of this order Wells Fargo Bank, National Association, as trustee of the trust created by Arthur W. Nicholls, doing business as Dutch Flat Water Works, shall stand relieved of its public utility obligations, and may discontinue service concurrently with the commencement of service by the Dutch Flat Mutual Water Works.

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

Dated at San Francisco, California, this 28th day of APRIL, 1970.

William Sproun Jr.
President
Augusta
J. P. Robinson
Thomas
Veron L. Sturgeon
Commissioners