

Decision No. 83929**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the ownership, status,  
operations, service, equipment,  
facilities, rates, rules, tariff  
schedules and records of Raymond Water  
System; Raymond Heights Water Company,  
a corporation; Royal Oaks Water System;  
Vilare Water Company, a corporation;  
Coarsegold Highlands Water System;  
Fred Schram; Wilma Schram;  
William Mosgrove; Maurice E. Smith;  
Richard Maddalena and Joyce Maddalena.

Case No. 9283  
(Filed October 19, 1971;  
amended November 16, 1971;  
reopened October 11, 1972)

Maurice E. Smith, Attorney at Law, for Raymond Heights  
Water Company, Royal Oaks Water System, Vilare  
Water Company, Coarsegold Highlands Water System,  
William Mosgrove, and Maurice E. Smith; William  
Mosgrove, for Coarsegold Highlands Water System;  
Fred Schram, Wilma Schram, Peter Frank Schram, and  
Judith Arlene Schram, for Raymond Water Works and  
themselves; and G. Thomas Caswell, Jr., Attorney at  
Law, and Richard Maddalena, for Richard Maddalena  
and Joyce Maddalena; respondents.  
Rufus G. Thayer, Jr., Attorney at Law, and Sam E.  
Winegar, for the Commission staff.

O P I N I O N

By Decision No. 80595 dated October 11, 1972 the Commission  
reopened its investigation in Case No. 9283 for the following purposes:

1. To determine whether respondents, or any of them, have  
violated the provisions of Decision No. 80133, General Order No. 103,  
or any other order or decision of the Commission.

2. To determine whether respondents, or any of them, have failed to maintain or furnish adequate, efficient, just, and reasonable service and facilities to the customers of said water systems so as to have unreasonably endangered the safety, health, comfort, and convenience of said customers in violation of Decision No. 80133, Section 451, or Section 761, or any other section of the Public Utilities Code.

3. To determine whether respondents Maurice E. Smith, Fred Schram and Wilma Schram, Peter Frank Schram and Judith Arlene Schram, Richard Maddalena and Joyce Maddalena, William Mosgrove, Raymond Water Works, Raymond Heights Water Company and its directors and officers, the Vilare Water Company and its directors and officers, the Coarsegold Highlands Water System, and the Royal Oaks Water System have abandoned their respective interests in the four water utility properties herein.

4. For said respondents to show cause, if any should exist, why all or any of them should not be adjudged to be in contempt of this Commission pursuant to Section 2113 of the Public Utilities Code and punished therefor in the manner prescribed by law.

5. Whether any other order or orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

Public hearings were held before Examiner Cline at Madera on November 9, 10, 29, and 30, 1972. The matter was taken under submission upon the filing of the closing brief by Maurice E. Smith on April 4, 1973.

Findings of Fact

The Commission finds as follows:

I. Raymond Water Works

1. By Decision No. 83202 dated July 30, 1974 in Application No. 54134, this Commission authorized Fred Schram and Wilma Schram to sell and transfer the water system known as Raymond Water Works and operating rights pertaining thereto to Joseph C. Smyth and Victor D. Kliwer.

2. By letter dated November 29, 1974 from Jean G. Gibson of Smyth & Associates to the Commission, filed December 2, 1974 in Application No. 54134, a copy of a grant deed was transmitted to the Commission, and the Commission was advised that the Raymond Water Works and the land and appurtenances necessary for the operation of the water system had been transferred to Joseph C. Smyth and Victor D. Kliwer.

3. Fred Schram and Wilma Schram, his wife, Peter Frank Schram and Judith Arlene Schram, his wife, Richard Maddalena and Joyce Maddalena, his wife, Maurice E. Smith, and Raymond Heights Water Company, or any of them, no longer own, have possession of, or operate, the water system known as Raymond Water Works.

4. Neither Fred Schram and Wilma Schram, his wife, Peter Frank Schram and Judith Arlene Schram, his wife, Richard Maddalena and Joyce Maddalena, his wife, Maurice E. Smith, and Raymond Heights Water Company, nor any of them, should be adjudged in contempt of this Commission by reason of their former ownership, possession, and/or operation of the water system known as Raymond Water Works.

## II. Royal Oaks Water System

5. By Decision No. 82383 dated January 22, 1974 in Application No. 54135, this Commission authorized Maurice E. Smith to sell and transfer the assets of the water system known as Royal Oaks Water System and certificate to operate such system to Joseph C. Smyth and Victor D. Kliewer, a joint venture partnership.

6. By letter dated March 28, 1974 from Maurice E. Smith to the Commission, filed April 1, 1974 in Application No. 54135, copies of (1) bill of sale, (2) note secured by deed of trust, (3) recorded deed of trust and assignment of rents, and (4) recorded grant deed were transmitted to the Commission, and the Commission was advised that the transfer of Royal Oaks Water System had been completed.

7. By letter dated April 16, 1974 from Joseph C. Smyth to the Commission, filed April 18, 1974 in Application No. 54135, the Commission was advised that the date of final transfer of the real and appurtenant properties for Royal Oaks Water System pursuant to Decision No. 82383 was March 1, 1974.

8. Maurice E. Smith no longer has possession of, or operates, the water system known as Royal Oaks Water System.

9. Maurice E. Smith should not be adjudged in contempt of the Commission by reason of his former ownership, possession, and operation of the water system known as Royal Oaks Water System.

## III. Vilare Water Company

10. By Decision No. 82148 dated November 20, 1973 in Application No. 54358, this Commission authorized Vilare Water Company to sell and transfer the water system and properties of Vilare Water Company in the city of Visalia to California Water Service Company.

11. By letter dated January 28, 1974 from California Water Service Company and Vilare Water Company to the Commission, filed January 29, 1974 in Application No. 54358, the Commission was advised that in accordance with Decision No. 82148 the properties of Vilare Water Company were transferred to California Water Service Company on January 2, 1974. A copy of the deed and bill of sale were attached to the letter.

12. Vilare Water Company, a corporation, and Maurice E. Smith, the attorney and principal management representative of Vilare Water Company, no longer own, have possession of, or operate the water system properties of the Vilare Water Company water system in the city of Visalia.

13. Neither Vilare Water Company nor Maurice E. Smith, its attorney and principal management representative, should be adjudged in contempt of this Commission by reason of their former ownership, possession, and/or operation of the water system of Vilare Water Company in the city of Visalia.

IV. Coarsegold Highlands Water System

14. By Decision No. 82384 dated January 22, 1974 in Application No. 54136, William Mosgrove was authorized to transfer the water system and operative rights of the public utility water system known as Coarsegold Highlands Water System in Coarsegold Highlands Tract No. 160, near Coarsegold, Madera County, to Joseph C. Smyth and Victor D. Kliever.

15. By letter dated April 9, 1974 from Maurice E. Smith to the Commission, filed April 11, 1974 in Application No. 54136, copies of (1) bill of sale, (2) note secured by deed of trust, (3) recorded deed of trust and assignment of rents, (4) recorded grant deed, and (5) recorded assignment of deed of trust were transmitted to the Commission, and the Commission was advised that the transfer of Coarsegold Highlands Water System to Joseph C. Smyth and Victor D. Kliewer had been completed.

16. By letter dated April 16, 1974 from Joseph C. Smyth to the Commission, filed April 18, 1974 in Application No. 54136, the Commission was advised that the date of final transfer of the real and appurtenant properties for Coarsegold Highlands Water System pursuant to Decision No. 82384 was March 26, 1974.

17. William Mosgrove and Maurice E. Smith, the attorney for and principal management representative of William Mosgrove, no longer own, have possession of, or operate the water system known as Coarsegold Highlands Water System in Coarsegold Highlands Tract No. 160, near Coarsegold, Madera County.

18. Neither William Mosgrove nor Maurice E. Smith, the attorney for and principal management agent of William Mosgrove, should be adjudged in contempt of this Commission by reason of their former ownership, possession of, and operation of the water system known as Coarsegold Highlands Water System in Coarsegold Highlands Tract No. 160, near Coarsegold, Madera County.

The Commission concludes that the investigation should be discontinued.

O R D E R

IT IS ORDERED that Case No. 9283 is discontinued.

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

Dated at San Francisco, California, this 30th  
day of DECEMBER, 1974.

Vernon L. Stinson  
President  
William Symons  
Thomas Moran  
Robert E. McIlhenny  
Commissioners