

Decision 88 10 016

OCT 14 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mailed

In the Matter of the Joint)
Application of THOMAS H. PORTER)
and PEGGY A. PORTER, husband and)
wife, doing business as "GRIZZLY)
PARK WATER COMPANY" and GRIZZLY)
FLATS COMMUNITY SERVICES DISTRICT,)
a public district, for an order)
authorizing THOMAS H. PORTER and)
PEGGY A. PORTER to transfer all of)
their property and rights comprising)
GRIZZLY PARK WATER COMPANY to said)
District (U-140-W).)

[OCT. 14 1988]

Application 88-03-062
(Filed March 29, 1988)

ORDER CORRECTING DECISION 88-07-026

Decision (D.) 88-07-026, dated July 8, 1988 authorized the transfer of the public utility water system owned by Thomas H. Porter and Peggy A. Porter (Porters), who were doing business under the name of Grizzly Park Water Company (Company), to Grizzly Flats Community Service District (District).

Findings of Fact 5, 6, and 15 of D.88-07-026 stated that:

"5. Some of Company's customers decided to take steps to secure lower water rates. On May 4, 1987, the Porters wrote to the citizens committee whose members were working toward the creation of a local community services district in Grizzly Flats expressing their willingness to donate to a local community services district the properties and rights (including water rights) presently owned by them and used and useful in the operation of Company.

"The offer to donate was made subject to a number of express conditions...

"6. After the formation of District in October 1987, its board of directors agreed, by unanimous resolution, to meet each and all of the conditions upon which the Porters

were willing to donate their water system to District.

- "15. The proposed transfer of Company by the Porters to District is not adverse to the public interest."

Counsel for the Porters has directed the Commission's attention to the fact that some of the ordering paragraphs of D.88-07-026, which use standard language, refer to the transaction as a sale and transfer. These references do not properly reflect the transaction and could cause tax problems for the Porters.

Therefore, good cause appearing and to accurately reflect the transaction involved,

IT IS ORDERED that:

1. Ordering Paragraphs 2, 3, and 5 of D.88-07-026 are modified as follows:

- "2. Within 30 days of the transfer hereby authorized, the Porters shall notify the Commission in writing of that fact.
- "3. Within 30 days of the transfer of the assets of Company to District, District shall notify the Commission in writing of that fact and within such period shall file with the Commission a true copy of each instrument by which such transaction has been accomplished.
- "5. Upon compliance with all of the conditions of this order, including the payment of the fee provided in PU Code § 411 for years 1987 and 1988, and such other period as may occur until the transfer is consummated, the Porters shall stand relieved of their public utility obligations and may discontinue service concurrent with the commencement of service by District as contemplated in the agreement between the parties."

2. In all other respects the provisions of D.88-07-026 shall remain in full force and effect.


This order is effective today.

Dated OCT 14 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weissert, Executive Director
so