

fc/km

ORIGINAL

Decision No. 87869 SEP 20 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James V. White,

Complainant,

v

Albert Sterkin and Mary Jane
Sterkin,

Defendants.

Case No. 10175
(Filed September 20, 1976)

(For appearances see Decision No. 86568.)

FINAL OPINION

Interim Decision No. 86568 issued herein on October 26, 1976 directed Albert Sterkin and Mary Jane Sterkin (the Sterkins), owners of the public utility water system known as the Oberlin Road Water System in the vicinity of Yreka, to: (a) complete the formation of a mutual water company and (b) notify existing customers that upon the formation of the mutual water company the Sterkins intend to transfer the physical properties of the Oberlin Road Water System to the mutual, and that upon the transfer, the system will be operated by its existing customers as a mutual water company (Sections 2705 and 2725 of the Public Utilities Code).

On July 18, 1977 counsel for the Sterkins forwarded to the Commission a copy of the articles of incorporation of the Green Oaks Mutual Water Company, Inc. filed with the Secretary of State for the State of California on November 12, 1976. Complainant herein is a director of the non-profit corporation. Also furnished to the Commission is a purported copy of a grant deed executed on an unspecified date, transferring certain described property used as public roads and easements from the Sterkins to the Green Oaks Mutual Water Company, Inc.

Counsel for complainant was informed by a letter from the assigned Administrative Law Judge dated July 19, 1977 that the above-described documents had been furnished to the Commission. Complainant's counsel was advised that the documents appeared to indicate that the Sterkins had complied with the order in Decision No. 86568, and unless counsel advised to contrary by August 15, 1977, it would be assumed that the complaint had been satisfied and that complainant would have no objection to an order discontinuing the proceeding in Case No. 10175. No reply has been received from complainant or his counsel.

In the circumstances we find:

1. The transfer of the Oberlin Road Water System by the Sterkins to the Green Oaks Mutual Water Company, Inc. has been completed.

2. The defendants have substantially complied with our order in Decision No. 86568.

We conclude that:

1. The staff motion to reopen this proceeding filed June 28, 1977 should be denied.

2. The tariffs and maps of the Oberlin Road Water System should be canceled.

3. Defendants should be relieved of their duties and obligations as a public utility water company.

4. The proceeding should be terminated.

FINAL ORDER

IT IS ORDERED that:

1. On and after the effective date of this order:

(a) Albert Sterkin and Mary Jane Sterkin, as owners of the Oberlin Road Water System in Yreka, California, are relieved of public utility duties and responsibilities connected with the ownership and operation of the water system.

(b) The tariffs, maps, and other documents required to be filed with the Commission by the water company are canceled.

(c) The proceeding in Case No. 10175 is discontinued.

2. The motion of the Commission staff to reopen this proceeding is denied.

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

Dated at San Francisco, California, this 20th
day of SEPTEMBER, 1977.

Robert Batimanch
President
William S. Squire, Jr.
Stephen L. Sturgeon
Richard D. Swalle
Clare L. Debrich
Commissioners