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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Glen D. Koskela, Berry Matheny,
Charles Migliavacca and Roger L.
Yates,

Complainants,

vs.

Brown's Water Works, a public
utility, the executor, heirs, and
beneficiaries of the estate of
Palle H. Andersen, deceased, Does 1
through 8, inclusive,

Defendants.

Case No. 9888
(Filed March 26, 1975;
amended June 2, 1975)

ALBION-LITTLE RIVER FIRE DEPARTMENT,
BUD THOMPSON, CABI NEWGARD, LENA
LUZZI, T. L. SPROCK, W. D. PUGH,
DAVID NIERHAHE, GERRETT GREGORY,
GLEN KOSKELA, ROGER YATES, SARAH
ADELMAN, MARK GAUCHE, DON SILL,
CHARLES MIGLIAVACCA, BYRON D. RANDALL,
W. B. MATHENY, and MRS. A. L. ROMER,

Plaintiffs,

vs.

EARL LATHAM, CHARLES LATHAM, ALICE
MAE LATHAM FRAZELL, PEARL D. GROOM,
PAUL E. ANDERSEN, LOIS B. TOWNSEND,
HARVEY BEAN, BROWN'S WATER WORKS,
VERNE BEAN and PACIFIC GAS AND
ELECTRIC CO., a public utility, and
DOES ONE through FIVE, inclusive,

Defendants.

Case No. 9897
(Filed April 9, 1975;
amended April 17, 1975)

Application of PAUL E. ANDERSEN,
PEARL D. GROOM, ALICE MAE FRAZELL,
EARL LATHAM, CHARLES LATHAM, LOIS
TOWNSEND, VERNE BEAN, and HARVEY
BEAN to abandon their interests in
Brown's Water Company, Albion,
California, or secure a certificate
of public convenience and necessity.

Application No. 56997
(Filed January 10, 1977)

(For appearances see Decision No. 86633.)

ORDER DISCONTINUING PROCEEDINGS IN CASES NOS.
9888 and 9897 AND GRANTING APPLICATION NO. 56997

The heirs and executor of the estate of Palle H. Andersen, deceased owner of Brown's Water Works, were joined as defendants in the complaint proceedings. Three interim orders were issued directing the water company to make improvements to the water system and to provide better service to its approximately 22 customers. Attempts to dig a new well failed and other means of improving the water system required a large infusion of new capital. The heirs of Palle H. Andersen filed Application No. 56997 seeking authority to abandon operations as a public utility water system.

The complaints and application were joined for hearing, and an adjourned hearing was held in April, 1977. The evidence indicated that the customers of the water system were trying to establish an alternate source of water and to organize a mutual water company. The Commission staff was informally advised from time to time of the progress made toward those ends. It appearing to the staff that the matters were resolved, the assigned Administrative Law Judge (ALJ) addressed a letter on January 29, 1981 to the complainants in Cases Nos. 9888 and 9897, to applicant's attorney in Application No. 56997, and to the president of Albion Mutual Water Company, as follows:

"The Commission staff has been informally advised by
the Community Development Commission of Mendocino

County that the water system of the Albion Mutual Water Company has been completed, is fully operational, and is serving the 22 former customers of Brown's Water Company [sic].

"The complaints in Cases Nos. 9888 and 9897 appear to be moot as water service formerly provided by Brown's Water Company [sic] is now provided by Albion Mutual Water Company.

"Unless a written request to the contrary is received before March 16, 1981, I plan to recommend to the Commission that Cases Nos. 9888 and 9897 be dismissed and Application No. 56997 be granted, and that the owners of Brown's Water Company [sic] be relieved of their public utility obligations."

A response was received from Albion Mutual Water Company, Inc. on March 16, 1981 confirming the mutual is serving the former customers of Brown's Water Works.

Findings of Fact

1. The Albion Mutual Water Company is now providing service to the former customers of Brown's Water Works.
2. No need appears for the continued service of Brown's Water Works as a public utility water company.

Conclusions of Law

1. The issues in Cases Nos. 9888 and 9897 are moot.
2. The request of the heirs of Palle H. Andersen to discontinue the operation of Brown's Water Works as a public utility water system should be granted, and the owners of the system should be relieved of their public utility obligations.
3. Interim decisions in Cases Nos. 9888 and 9897 should be rescinded.

IT IS ORDERED that:

1. Interim Decisions Nos. 85941, 84872, and 86633 in Cases Nos. 9888 and 9897 are rescinded.
2. Cases Nos. 9888 and 9897 are dismissed without prejudice.
3. Applicants in Application No. 56997 are authorized to abandon their interest in Brown's Water Works, a public utility water company,

and are relieved of their public utility obligations to provide water service in Albion, California.

4. Tariffs and maps filed by Brown's Water Works are canceled. The effective date of this order shall be thirty days after the date hereof.

Dated APR 21 1981, at San Francisco, California.

John S. Conroy
President
Statewide Assembly
San Francisco
Water Commission
Commissioners