

ORIGINAL

Decision 93306

JUL 22 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Robert and Erma Schluter, dba
Thomas and Baynes Ditch Co., for
authority to discontinue water
service in vicinity North East
of Alturas, Modoc County,
California.

Application 60437
(Filed April 10, 1981)

OPINION AND ORDER

Robert L. and Erma Schluter (applicants) own and operate as a proprietorship the Thomas and Baynes Ditch Co. (company), a public utility providing irrigation services northeast of Alturas in Modoc County. The company was established about 1940^{1/} with eight or more users. Over the years, and especially since 1970, the number of water users has declined.^{2/} By 1978, only two ranches were served with irrigation water and both are now owned by applicants.

Applicants allege that all users other than themselves have relinquished their rights to irrigation service under the rules, terms, and conditions set forth in their tariffs. They add that they have purchased the land that was one of the largest users of irrigation water and that the remainder of the land was either subdivided or used for purposes not requiring irrigation.

1/ The original tariffs were filed February 19, 1948.

2/ By Resolution W-1677 dated and effective January 21, 1975, the Commission authorized the company to close its service to new customers after May 1, 1975. A new customer is one who has not received service in the preceding year.

Applicants request that the Commission authorize them to discontinue public utility irrigation service.

Copies of the application were served by mail upon two former customers together with a letter advising them where they may send any comments or objections to the proposal. No protests have been received.

Findings of Fact

1. Applicants no longer serve any customers.
2. Former customers have relinquished their rights to irrigation service under the tariff provisions now on file and in effect.
3. No protests have been received. A public hearing is unnecessary.

Conclusions of Law

1. Applicants do not now provide public utility irrigation service. Because their schedules are closed to new customers, they will not provide such service in the future.
2. The application to discontinue providing public utility irrigation service should be granted.

IT IS ORDERED that the application of Robert L. and Erma Schluter, doing business as Thomas and Baynes Ditch Co., to discontinue providing public utility irrigation is granted and

Robert L. and Erma Schluter shall file an advice letter within 60 days of the effective date of this order canceling all their tariffs.

This order becomes effective 30 days from today.

Dated JUL 22 1981, at San Francisco, California

John G. Cuyler
President

Richard W. Howell

James M. Van

Walter C. ...

Parvada C. ...
Commissioners