

Decision No. 14379

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
 SPRING VALLEY WATER COMPANY, a cor- )  
 poration, and CITY AND COUNTY OF SAN )  
 FRANCISCO, a municipal corporation, )  
 for an order approving a proposed )  
 agreement amendatory of the agreement )  
 entered into between the Spring Val- )  
 ley Water Company and the Board of )  
 Public Works of the City and County )  
 of San Francisco upon the 17th. day )  
 of April, 1922, providing for the )  
 operation and maintenance of an acq- )  
 ueduct to be constructed between Irving- )  
 ton, Alameda County, California, and )  
 Crystal Springs Reservoir, San Mateo )  
 County, California. )

Case Number 842

Application Number 2739

McCutchen, Olney, Mannon & Greene, for Spring Valley  
 Water Company.

George Lull, for City and County of San Francisco.

BY THE COMMISSION :

SECOND SUPPLEMENTAL ORDER

Spring Valley Water Company, a corporation, and City and  
 County of San Francisco, a municipal corporation, on December 17,  
 1924 filed with the Railroad Commission their joint petition asking  
 authority to execute a proposed agreement to be entered into between  
 said parties amendatory of subdivision (a) of paragraph six of a  
 certain agreement entered into between said parties bearing date of  
 April 17, 1922. A copy of the proposed agreement is attached to the  
 petition and marked Exhibit "B".

This Commission authorized the execution of the agreement  
 of April 17, 1922 by its decision number 10295, dated April 12, 1922  
 in case number 842 and application number 2739.

The company and the city propose to amend subdivision (a) of paragraph six of the agreement of April 17, 1922, by adding thereto the following:-

"PROVIDED, however, that if the Board of Supervisors of the City and County of San Francisco shall by resolution make request upon the Water Company that any installment, or a specified portion of any installment, to become due under the provisions hereof subsequently to June 30, 1925, and prior to July 1st, 1929, be paid to the City and County of San Francisco prior to the due date thereof, it is agreed that the Water Company shall pay such installment, or such specified portion thereof, to the City and County of San Francisco in pursuance of such resolution, the amount of such installment, or such portion thereof, to be discounted for the period of time by which such payment shall precede the due date of such installment as hereinbefore specified, such discount to be made at the rate which the Water Company pays as the interest rate on the money which it borrows in order to make such payment, and any payments so made prior to the due date of such installment as hereinbefore determined shall be in full satisfaction of the obligation of the Water Company to pay such installment or portion thereof.

PROVIDED, further, that if the said aqueduct and pumping plant shall not have been completed and made available to the Water Company prior to July 1st, 1925, all payments which shall have been made pursuant to the terms of this proviso shall be credited on the installments next successfully falling due after said aqueduct and pumping plant shall have been so completed and made available, discounting the amounts of such installments in the manner hereinbefore provided. "

The Railroad Commission has considered the request of applicants and believes that this is a matter in which a public hearing is not necessary, and that applicants' request should be granted, therefore,

IT IS HEREBY ORDERED that Spring Valley Water Company be, and it is hereby, authorized to enter into and execute an agreement substantially the same as the agreement (Exhibit B) filed in the above numbered proceeding on December 17, 1924.

IT IS HEREBY FURTHER ORDERED that within thirty days after the execution of said agreement, Spring Valley Water Company shall file with the Railroad Commission a verified copy thereof.

IT IS HEREBY FURTHER ORDERED that the order in Decision Number 9552, dated August 12, 1921, as amended, shall remain in full force and effect, except as modified by this Second Supplemental Order.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 18<sup>th</sup> day of December, 1924.

C. Deane

Irving Martin

J. T. Whittney  
Commissioners.