

Decision No. 19033.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of
 OJAI POWER COMPANY, a Corporation,
 for Certificate of Public Convenience
 and Necessity authorizing the exercise
 of the rights and privileges of
 franchise.

) Application No. 13990.

In the matter of application of
 OJAI POWER COMPANY, a Corporation,
 for Certificate of Public Convenience
 and Necessity authorizing the exercise
 of the rights and privileges of
 franchise.

) Application No. 13991.

M.W. Phillips, for Applicant.

BY THE COMMISSION:

O P I N I O N

Ojai Power Company, a corporation, supplying electricity and water in, and in the vicinity of, Ojai, Ventura County, asks the Railroad Commission for a Certificate of Public Convenience and Necessity authorizing the exercise of rights and privileges of franchises granted by the Board of Trustees of the City of Ojai, Ventura County.

A public hearing was held October 14, 1927, before Examiner Williams at Ojai after all interested parties had been duly notified and given an opportunity to appear and be heard. At the hearing it was stipulated that the above numbered applications be consolidated for hearing and decision. No one appeared

to contest the granting of these applications.

Ordinance No. 38, adopted by the Board of Trustees of the City of Ojai on July 25, 1927, and amended by Ordinance No. 40, adopted on October 10, 1927, grants applicant a franchise to install, operate and maintain water facilities within the City of Ojai. Ordinance No. 39, adopted by the Board of Trustees of the City of Ojai on September 25, 1927, grants applicant a franchise to install, operate and maintain electrical facilities within the City of Ojai. Ordinance No. 38 (as amended by Ordinance No. 40) and Ordinance No. 39 both carry the usual provision for a tax of 2% upon the gross revenue. Copies of Ordinance No. 38 and No. 39 were attached to Applications No. 13990 and No. 13991, respectively, being designated Exhibit No. A in each instance. Copy of Ordinance No. 40 was filed as applicant's Exhibit No. 3 in Application No. 13990. It is in connection with the above mentioned franchises that applicant asks a Certificate of Public Convenience and Necessity.

The evidence shows that applicant now operates its electrical and water distribution systems within the city limits of Ojai under franchises granted to it by the Board of Supervisors of Ventura County on October 8, 1912, which was prior to the incorporation of the City of Ojai. At the present time, applicant finds there are certain streets, alleys, roads and highways within the city limits of Ojai which were not included in the original franchises above referred to. Applicant has been called upon to extend both water and electrical service along such streets, roads and highways over which it is alleged it has no legal right or authority to extend its distribution lines.

Each application carried the stipulation that applicant

will never claim before this Commission or any other court or public body any value for the above referred to franchises in excess of the actual costs thereof.

It appears that favorable action on these applications would be in the public interest.

O R D E R

Ojai Power Company, a corporation, having applied to the Railroad Commission of the State of California for an order certifying that public convenience and necessity require the exercise by it of certain rights and privileges of franchises granted by the City of Ojai, a public hearing having been held, the matter having been submitted and now being ready for decision,

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the exercise by Ojai Power Company of the rights and privileges granted by Ordinance No. 38, Ordinance No. 39 and Ordinance No. 40 of the Board of Trustees of the City of Ojai.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 12th day of November, 1927.

Ernest W. Smith
W. A. Seamy
Leon Whidell
Thos. D. Powell
M. J. Am
 Commissioners.