

ORIGINAL

Decision No. 24552

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 TURLOCK IRRIGATION DISTRICT and
 SAN JOAQUIN LIGHT AND POWER CORPOR-
 ATION, for an order of the Railroad
 Commission of the State of California
 approving an agreement entered into
 by applicants under date of January 11,
 1932 and authorizing the consummation
 thereof in accordance with its terms.

Application No. 17963

C. P. Cutten for San Joaquin Light and Power
 Corporation.
 Thomas C. Boone for Turlock Irrigation District.

BY THE COMMISSION:

O P I N I O N

San Joaquin Light and Power Corporation and Turlock
 Irrigation District ask the Commission to enter its order approving
 an agreement between Turlock Irrigation District and San Joaquin
 Light and Power Corporation, dated January 11, 1932, and filed in
 this proceeding as Exhibit "A", and authorizing San Joaquin Light
 and Power Corporation to consummate said agreement of January 11,
 1932, in accordance with its terms and conditions.

It appears that the main reason upon the part of appli-
 cants for entering into the agreement of January 11, 1932, was to
 embody in a single contract their respective rights and obligations
 under two certain contracts, one dated March 11, 1924, and the other,
 January 14, 1929. The execution of both of these contracts has here-
 tofore been authorized by the Commission. The contracts relate to
 the sale of electric energy by Turlock Irrigation District to

San Joaquin Light and Power Corporation, the sale of electric energy by San Joaquin Light and Power Corporation to Turlock Irrigation District and the emergency use by the Turlock Irrigation District and San Joaquin Light and Power Corporation of portions of the other's transmission facilities.

The agreement of January 11, 1932, modifies the agreements of March 11, 1924 and January 14, 1929 and certain memoranda agreements, by extending the territory within which the Turlock Irrigation District may sell electrical energy. This territory is defined in Paragraph 1 of the agreement of January 11, 1932, in connection with the definition of surplus energy. Surplus energy is defined as being:

"All electric energy which Turlock shall during the term hereof generate in said La Grange power plant and its proportion of the electric output of said Don Pedro power plant over and above the respective quantities thereof which Turlock (a) shall require in and about the operation of said power plants and other facilities connected therewith, (b) is obligated to deliver under that certain contract dated May 23, 1921 wherein Turlock, Sierra and San Francisco Power Company, Pacific Gas and Electric Company, and Modesto are parties, and (c) may from time to time require for its own operating purposes and in supplying electric service to the public located within the territory bounded on the north by the Tuolumne River, on the west by the San Joaquin River, on the south by the Merced River, and on the east by the range line between ranges 12 and 13 east, extending from the Merced River north to the Stanislaus-Merced County Line, thence along the Stanislaus County Line east and north to its intersection with the Tuolumne River, and also those certain areas north of the Tuolumne River consisting of the south half ($S\frac{1}{2}$) of Township 3 South, Range 11 East, and Sections 26 and 35, Township 3 South, Range 12 East, M.D.B. & M., including electric service to a Mrs. Carolyn Huntley and Mrs. Nellie Rairden pursuant to agreement between Turlock and San Joaquin dated February 20, 1931, and electric service to a gate tender pursuant to agreement with San Joaquin dated August 24, 1931."

The agreement now before the Commission provides that if the same is approved by the Commission, it shall supersede the contracts of March 11, 1924 and January 14, 1929 and the provisions of the last two subdivisions of Paragraph 2 and all of Paragraphs 3, 4, 5, 6 and 6-A of that certain contract between Turlock Irrigation District and San Joaquin Light and Power Corporation, dated July 1, 1929.

The agreement of January 11, 1932, sets forth in detail the terms and conditions under which the San Joaquin Light and Power Corporation will buy from, or sell to Turlock Irrigation District, electrical energy.

ORDER

Applicants having requested the Commission to enter its order, as indicated in the foregoing opinion, the Commission having considered applicants' requests and being of the opinion that this is not a matter in which a hearing is necessary and that this application should be granted, therefore,

IT IS HEREBY ORDERED that San Joaquin Light and Power Corporation may, on or before June 1, 1932, execute an agreement substantially in the same form as the agreement filed in this proceeding as Exhibit "A", which agreement is hereby approved.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the execution of the aforementioned agreement, San Joaquin Light and Power Corporation shall file with the Commission a certified copy of the same.

DATED at San Francisco, California, this 7th day of March, 1932.

C. C. Scavery
Leon Anderson
W. J. Linn
W. B. Linn
Frederic G. Stewart
Commissioners.