

Decision No. 25590

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALIFORNIA WATER SERVICE COMPANY,
a corporation:

(1) For authority to abandon rights, if any, under Ordinance No. 364 (N.S.) of the County of Los Angeles, as to a part of the franchise area therein described, upon obtaining a new franchise covering such part of said area; and

(2) For an order of the Commission declaring that, after said new franchise is obtained, it will issue a certificate of public convenience and necessity authorizing applicant to exercise the rights and privileges granted thereunder.

ORIGINAL

Application No. 18510.

McCutchen, Olney, Mannon & Greene
by George Harnagel, Jr., for Applicant.

BY THE COMMISSION:

O P I N I O N

California Water Service Company, a corporation, operating a water system in and in the vicinity of Redondo Beach, County of Los Angeles, asks for authority to abandon whatever franchise rights it may have under Ordinance No. 364 (N.S.) of said County of Los Angeles, as to a definite portion of the area thereby granted upon obtaining a new franchise, and for an order of the Commission declaring that it will issue a certificate of

public convenience and necessity authorizing applicant to serve this area after said new franchise is obtained.

A public hearing in this proceeding was held before Examiner Kennedy at Los Angeles.

The evidence shows that in 1914 the Board of Supervisors of the County of Los Angeles, by Ordinance No. 364 (N.S.), granted to Redondo Water Company, one of applicant's predecessors in interest, a franchise to lay mains and operate a water system upon and along all public streets, alleys, etc., in a large unincorporated area adjoining the City of Redondo Beach, one of the conditions being that the company would install twenty miles of water mains within three years after the granting thereof. As the development of this territory did not warrant or justify full compliance with this condition of the franchise requirements, there have to date been but three miles of mains installed within said area. The non-compliance with the conditions of the franchise, together with the further fact that a legal question has arisen as to the jurisdiction of the Board of Supervisors in the granting of franchise rights in cases of prospective or future street dedication, has raised a doubt as to the validity of applicant's franchise in this area. The company therefore has applied to the Board of Supervisors for a new franchise. The area for which a franchise is requested and in which applicant seeks to abandon its present rights as granted under said Ordinance No. 364 (N.S.) is more particularly set out and delineated upon that certain map attached to the application and marked Exhibit "A."

Applicant's properties are subject to a lien or trust

indenture under the terms of which it cannot abandon any franchise right without acquiring equivalent interests. For this reason authority to abandon the said franchise rights in their entirety is not asked at this time. The granting of the request to abandon the limited area and the acquisition of a new franchise and a certificate of public convenience and necessity therefor will provide for the continuation of service in the territory described above without changing the utility obligations in the remainder of the original franchise area.

As no one appeared to protest against the granting of this request and as the territory involved is now being served exclusively by applicant, it appears to be to the best interests of the public to approve this petition.

O R D E R

California Water Service Company, a corporation, having made application as above entitled, a public hearing having been held thereon and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that California Water Service Company, a corporation, be and it is hereby authorized to abandon such rights, if any, as it may have acquired under and by virtue of Ordinance No. 364 (N.S.) of the County of Los Angeles as to that certain portion of its franchise area as is more particularly set out and delineated upon the map marked Exhibit "A" attached to the application herein, said Exhibit "A" being made a part hereof by reference, upon the obtaining of a new franchise from said County covering the above portion of said areas as described above, and

The Railroad Commission of the State of California hereby declares that by supplemental order it will issue hereafter to California Water Service Company, a corporation, upon the filing with said Commission of a certified copy of a franchise granted by the Board of Supervisors of the County of Los Angeles covering the territory heretofore described, a certificate of public convenience and necessity for the operation of a water works therein.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 30th day of January, 1933.

C. C. [Signature]

L. [Signature]

M. A. [Signature]

W. B. [Signature]

[Signature]

Commissioners.