

ORIGINAL

Decision No. 1328

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA:

In the matter of the application of SAN FERNANDO MISSION LAND COMPANY to sell its electric distributing system at San Fernando, California, to Pacific Light and Power Corporation and Pacific Light and Power Corporation to purchase said property.

Application No. 978.

Gibson, Dunn and Crutcher and Thomas Haskins for applicants.

TRULEX, Commissioner.

OPINION.

This is an application on the part of San Fernando Mission Land Company to sell and of Pacific Light and Power Corporation to purchase an electric distributing system in and adjacent to the City of San Fernando, for the sum of \$7,535.15. A copy of the agreement of sale is attached to the petition and marked Exhibit "A" and is hereby referred to. For opinions on other applications to sell electric distributing systems in San Fernando, see this Commission's opinions this day rendered in Applications No. 950 and No. 952, referring to the electric distributing system owned by the MacLay Rancho Water Company and operated by Consolidated Securities Company and in Application No. 977, referring to the electric distributing system of John T. Wilson.

It appeared at the hearing that San Fernando Mission Land Company is primarily a land company; that it buys electric energy from Southern California Edison Company; that it uses this electric energy to pump water on its own land and that it serves no one other than itself except that it sells to John T. Wilson the electric energy which he distributes as a public utility to the inhabitants of San Fernando.

Section 2(bb) of the Public Utilities Act, as amended on June 14, 1923, reads in part as follows:

"Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act."

Under this section, it seems clear that San Fernando Mission Land Company is a public utility and that hence this Commission's authorization to sell this property must first be secured, as provided by Section 51 of the Public Utilities Act.

The general manager of the San Fernando Mission Land Company testified that the system originally cost \$9,941.00, and that it was built seven years ago.

Applicants filed a copy of resolution of the Board of Trustees of San Fernando asking that this application be granted. No person appeared in opposition thereto.

I recommend that the application be granted and submit herewith the following form of order:

C R D E R.

SAN FERNANDO MISSION LAND COMPANY having applied for an order authorizing the sale of its electric system in and adjacent to the City of San Fernando, Los Angeles County, California, to Pacific Light and Power Corporation for the sum of seven thousand eight hundred and thirty-five and 15/100 dollars (\$7,835.15), and the latter company having applied for an order authorizing it to purchase said system for said sum, and a public hearing having been held on said applications, and it appearing that they should be granted,

IT IS HEREBY ORDERED that said applications be and the same are hereby granted, subject to the following conditions:

1. The price to be paid for said property shall not hereafter be taken before this Commission or any other public authority as representing for rate fixing or other purposes the true present value of the property.

2. Upon the execution of the deed of conveyance hereby authorized, the parties shall file a certified copy thereof with this Commission.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 9th day of March, 1914.

H. H. Howard
W. H. Gordon
Wm. Thelma
Edwin O. Edgerton
Commissioners.