

# ORIGINAL

Decision No. \_\_\_\_\_

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

-oOo-

In the Matter of the Application of )  
 CATHERINE A. BROOKS, owner of Laguna )  
 Heights Water System, for a certifi- )  
 cate of public convenience and neces- )  
 sity to serve water in the unincorpor- ) Application No. 3620.  
 ated town of Laguna Beach (including )  
 Rogers' Addition to Laguna Beach and )  
 Brooks' resubdivision), Orange County, )  
 California. )

H. J. Forgy for Applicant  
 Jas. S. Bennett for Laguna  
 Cliffs Water Company.

----

BY THE COMMISSION

### O P I N I O N

This is an application by Catherine A. Brooks for a finding by this Commission that public convenience and necessity require the exercise by her of certain franchise rights, secured from the County of Orange, said rights being contained in Ordinance No. 154 of the Board of Supervisors of Orange County.

The ordinance grants to Catherine A. Brooks a franchise to lay, maintain and operate a system of pipe-lines for the conveyance of water for domestic and agricultural purposes, over and along certain county roads, streets, avenues and alleys in the County of Orange, State of California, and particularly that portion of Orange County known as Laguna Beach.

Laguna Beach is an unincorporated city, or town, in Orange County and has a permanent population of approximately two hundred (200) people; during the summer months the population exceeds seven hundred and fifty (750).

At the present time the business section and the major portion of the residential section of Laguna Beach are without water service other than that which is obtained by privately owned wells or cisterns. In <sup>a</sup>portion of Laguna Beach another water utility, known as the Laguna Cliffs Water Company, is operating, but under the terms of agreement by which they acquired their water supply are restricted to furnishing water in certain tracts which lie without the bounds of the portion of the town of Laguna Beach covered by the franchise obtained by applicant herein.

The applicant herein has developed a water supply of approximately forty (40) miners' inches in Laguna Canyon, at a distance about three (3) miles from Laguna Beach.

The evidence shows that one of the principal causes retarding ~~the~~ the development of Laguna Beach is its lack of an adequate water supply. Evidence was also offered to the effect that the residents of Laguna Beach desire service sought to be established by applicant and were willing to pay a just and reasonable rate for the service rendered. No opposition or protest was made to the granting of the certificate herein sought.

O R D E R

CATHERINE A. BROOKS, having applied to this Commission, under Section No. 50 of the Public Utilities Act, for permission to exercise the rights and privileges under a franchise granted her by an ordinance of the County of Orange passed on the 19th. day of March, 1918, authorizing her, her successors and assignees to lay and maintain for a term of thirty (30) years, water pipes with all necessary cross pipes and connections in, across and along that portion of the roads, streets, avenues and alleys herein referred to in the foregoing opinion, and fully described in said ordinance or franchise which is hereby referred to and made a part hereof; and a public hearing having been held and the matter now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the exercise by applicant of the rights and privileges granted her by said franchise; provided, that Catherine A. Brooks shall within thirty (30) days from date hereof, file with this Commission a stipulation agreeing that she, her successors and assignees will not claim before the Railroad Commission of the State of California, or any other public authority, any value for the said franchise granted from the said County of Orange, in excess of the actual cost thereof, which cost shall be stated in said stipulation, and shall have secured

from this Commission a supplemental order herewith declaring that such stipulation, satisfactory to this Commission, has been filed with the Commission.

Dated at San Francisco, California, this 20th day of April, 1918.

Max Thelen

Alex Gordon

Edwin O. Edgerton

Commissioners