

Decision No. 32704

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA WATER & TELEPHONE COMPANY, CARMEL DEVELOPMENT COMPANY and a COMMITTEE OF CARMEL HIGHLANDS WATER USERS (a) to transfer and acquire the water distribution system at Carmel Highlands; (b) for cancellation and issuance of certificates of public convenience and necessity; (c) for order fixing rates; (d) for release of certain property from its dedication to public use; and (e) for order approving a certain contract dated September 7, 1939, relating to the foregoing matters.

ORIGINAL

Application No. 23102

BY THE COMMISSION:

SECOND SUPPLEMENTAL ORDER

A written request having been made and joined in by all interested parties to this proceeding, asking for a modification and amendment to the Commission's Decision No. 32600, dated December 5, 1939, in the above entitled proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED that the portion of the Opinion in said Decision as set forth on page four (4) thereof, reading as follows:

"\* \* \* The agreement further provides that the interim rates now being charged in the Highlands will remain in effect until the sum advanced by the consumers shall have been refunded, without interest, from the revenues produced by the surcharges over and above the regular rates now in effect on the main system of the

Water Company. A period of approximately seven years will very probably be required for this reimbursement upon the basis of present water sales with a limitation that no refunds will be made after ten years. Upon final refunding of all consumer advances, or at the expiration of the said ten-year period, the rates then in effect on the main water distribution system of the Water Company, without further order of this Commission, will be charged the consumers in Carmel Highlands."

be and it is hereby modified and amended to read as follows:

The agreement further provides that the interim rates now charged in the Highlands as modified by the commercial rate herein-after mentioned, will be charged by Water Company until the sum advanced by the consumers shall have been refunded from the difference between the revenues produced by said rates and the rates in effect for the service or services of the same character, type and class in the Monterey Peninsula Division of Water Company. A period of approximately seven years will very probably be required for this reimbursement upon the basis of present water sales, with the limitation that no refunds will be made after ten years. Upon final refunding of all consumers' advances with interest, or at the expiration of the ten year period, the rates then in effect for the service or services of the same character, type and class in the Monterey Peninsula Division of Water Company, without further order of this Commission, will be charged the consumers in Carmel Highlands.

IT IS HEREBY FURTHER ORDERED that the portion of the Order in said Decision as set forth on page eight (8) thereof, reading as follows:

"THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of a water system by California Water & Telephone Company, a corporation, in Carmel Highlands, County of Monterey, and in such adjacent territory and in the intervening areas along its main transmission line to Carmel Highlands as are more definitely and particularly set forth and described in said agreement of

September 7, 1939, Exhibit No. 1, attached to the application herein, and as set forth and delineated upon the map marked 'Exhibit B' attached to the application herein, which is hereby made a part of this Order by reference, \* \* \*."

be and it is hereby modified and amended to read as follows:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation of a water system by California Water & Telephone Company, a corporation, in Carmel Highlands, County of Monterey, as said Carmel Highlands is set forth and delineated upon the map marked "Exhibit B" attached to "Exhibit 1" attached to the application herein, which map is hereby made a part of this Order by reference.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 32600, as modified and amended by Decision No. 32642 dated December 12, 1939, being entitled "First Supplemental Order" herein, shall remain in full force and effect.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of

January, 1942.

Ray L. Rice  
James P. Quinn  
Ralph J. Quinn  
H. M. M.  
Justus J. Casner  
Commissioners.