

Decision No. ~~35617~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 CALIFORNIA WATER SERVICE COMPANY, a
 corporation, for a Certificate that
 Public Convenience and Necessity
 Require the Exercise of:
 (1) The Rights and Privileges Granted
 Applicant by the County of
 Los Angeles Under Ordinance No. 3656
 (New Series); and
 (2) The Rights and Privileges Granted
 Applicant by the City of Montebello
 under Ordinance No. 296.

ORIGINAL

Application No. 24441

McCutchen, Olney, Mannon & Greene,
 By George Harnagel, Jr., for applicant.

BY THE COMMISSION:

O P I N I O N

California Water Service Company seeks a certificate to exercise a franchise granted by the County of Los Angeles, and also one granted by the City of Montebello, both covering the maintenance of facilities for the distribution of water within a comparatively small part of this utility's general service area known as the "Belvedere District." This district is one of the various service areas of the applicant. It comprises generally the unincorporated territory lying between the City of Los Angeles and the cities of Monterey Park and Montebello, but includes some of the City of Montebello itself. Applicant is a successor, by authority of the Railroad Commission heretofore given, to all the water properties of the Belvedere Water Corporation.

The particular area covered by this application has been served with water for some years, it being a part of the property

subdivided in 1936 and 1937 by the I. W. Hellman, Jr., Estate, and water service then undertaken by the applicant utility in accordance with two subdivision extension contracts then entered into and filed with this Commission. It has been the applicant's practice within this district, as well as the practice of its predecessor company, to obtain separate franchises covering each newly subdivided area, it now possessing fourteen county franchises and three granted by the City of Montebello. It would appear to the Commission that the applicant utility should apply for a single in lieu franchise covering all of the county territory served within its general service area. However, it is quite evident that a certificate should be issued as provided by Section 50(b) of the Public Utilities Act to exercise the two franchises here involved. Each is for a term of twenty-five years. There is no other utility supplying water within this vicinity.

O R D E R

A public hearing having been had upon the above entitled application of the California Water Service Company, and the matter fully considered, and

It appearing and being found as a fact that public convenience and necessity so require, IT IS ORDERED that California Water Service Company be and hereby is granted a certificate to exercise the rights and privileges granted by the County of Los Angeles, by Ordinance No. 3656 (N.S.), adopted August 6, 1940, and also the rights and privileges granted by the City of Montebello by Ordinance No. 296 adopted June 3, 1940.

No claim of value for such franchises or for the authority herein granted in excess of the actual cost thereof shall ever be

made by grantee, its successors, or assigns before this Commission or before any court or other public body.

The effective date of this order shall be the twentieth day from and after the date hereof.

Dated, San Francisco, California, this 24th day of February, 1942.



Justus J. Calver
Ray L. Riley
H. Baker

COMMISSIONERS.

DISSENT IN DECISION NO. 35047 APPLICATION NO. 24441.

The two franchises herein referred to (Los Angeles County, Ordinance No. 3656 N. S. and City of Montebello, Ordinance No. 296), both of them twenty-five year franchises, purport to grant, in addition to the right of the use of the public streets and highways, certain operating, service and other rights clearly outside the county's and city's police powers and exclusively vested in this Commission. In our opinion the Commission should not approve or certify, directly or by implication, any franchise provisions unlawful or contrary to the public interest.

For the reason given above, and also on the grounds specified in our dissent No. 43723, in application No. 23634, we dissent in this case.



Commissioners.