

Decision No. 36510

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA ELECTRIC POWER COMPANY, an Electric Public Utility Corporation, for Acceptance for Filing and Authorization to carry out the terms of a Contract with the United States of America by and through the Federal Public Housing Commissioner for supplying of electrical energy for Housing Developments (Nos. Cal-4421 and 4690) in or near the Town of Barstow, San Bernardino County, California

ORIGINAL

Application No. 25679

BY THE COMMISSION:

OPINION AND ORDER

This is an application of California Electric Power Company requesting authority to carry out the provisions of a contract with the United States of America by and through the Federal Public Housing Commissioner for supplying electric energy for housing developments Nos. CAL-4421 and 4690 in or near the town of Barstow, San Bernardino County, California.

A copy of said contract under date of March 9, 1943, is made a part of the application and attached to it as Exhibit "A."

It appears unnecessary to herein review the aforesaid contract in any considerable detail other than to note that it is represented as a standard form contract of the Federal Public Housing Agency carrying therein the special provision as to "Revision of Rates" required by this Commission under and pursuant to Resolution No. U-90 passed and adopted on January 12, 1943. The rates to be charged for service are in accordance with the Applicant's regularly published tariffs on file with this Commission, and the service requirements are in general conformity with the published rules and regulations of Applicant with the principal exception that Paragraph 15 of the aforesaid agreement

covering the subject of "Resale" by Federal Housing, might be construed in the opinion of Applicant as being in conflict with Applicant's regularly filed Rule and Regulation No. 24 dealing with the same subject. Such possible difference in the "Resale" requirement is the occasion for the requested authorization.

Paragraph 15 referred to states in part as follows:

"No portion of the electricity supplied hereunder shall be resold, except that the Government may sell or otherwise distribute electricity to the tenants of the Development as an incident of tenancy."

This Commission does not construe nor interpret Paragraph 15 as permitting a resale service as that term is used in Section X, Paragraph B, of General Order No. 96. This view is believed correct, inasmuch as a further section of Paragraph 15 states that the government is not precluded, under the provisions of the contract, from installing individual check meters "for the purpose of checking upon the consumption of electricity used by the tenants in order to employ these data for statistical and research purposes, to prevent wasteful and extravagant use of said electricity and in order to take such steps as the Commissioner deems advisable, either by adjustment in the cost between the amount used by the tenants and the amount allowed as an incident of tenancy or by any other appropriate method, to prevent wasteful and extravagant use of said electricity." It, accordingly, seems clear there is no intention of the Government's embarking on any program of resale of electric energy, but merely to make available to its tenants the energy purchased as one of the services included in the rent which the tenants pay in the occupancy of the housing facilities.

With this interpretation in mind, it therefore appears that the aforesaid contract is not one providing for deviations, but a contract setting forth Applicant's regular conditions of service in accordance with its published rates and rules and regulations. This being so, no special authorization is required and the contract need not be filed with the Commission and therefore the application is hereby dismissed.

Dated at San Francisco, California, this 27th day of July, 1943.

Francis D. Havenner

J. G. Baker

Richard Kachse

Francis D. Havenner

Commissioners