

Decision No. 37270

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CALIFORNIA WATER SERVICE COMPANY,
a corporation,

for an order approving and authorizing the execution of (1) a proposed agreement to be entered into between Applicant and Tide Water Associated Oil Company, a corporation, for the supplying of water by Applicant to Tide Water Associated Oil Company and (2) a proposed agreement to be entered into between Applicant and Shell Oil Company, Incorporated, a corporation, for the supplying of water by applicant to Shell Oil Company, Incorporated.

ORIGINAL

Application No. 23414

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

On June 4, 1940, the Commission rendered its Decision No. 33176 in the above entitled proceeding, authorizing California Water Service Company,⁽¹⁾ a corporation, to enter into an agreement with Tide Water Associated Oil Company,⁽²⁾ a corporation, and Shell Oil Company, Incorporated, providing for the sale and delivery of untreated water to their refineries located in Avon and Martinez, respectively, both in Contra Costa County. Pursuant to said authority, Water Company and associated made and entered into said agreement under date of June 19, 1940, now in effect.

Water Company and Associated desire to enter into a supplemental agreement to amend said agreement of June 19, 1940, substantially as follows:

- (a) In Paragraph 1, to increase the minimum quantity of water to be sold and purchased from 60,000,000 gallons to 600,000,000 gallons per year, commencing July 1, 1944.

(1) Hereinafter referred to as Water Company.
(2) Hereinafter referred to as Associated.

- (b) That from and after July 1, 1944, the points of delivery of water by Water Company to Associated, shall at all times be the points at which Water Company has heretofore been delivering water to Associated under said agreement, unless otherwise mutually agreed by both parties.
- (c) Eliminate from Paragraph 6 the words "datum elevation established by Oil Company" and to substitute therefor the words "elevation of said point of delivery"; and to change the figure of "1500 gallons" therein contained to "4000 gallons"; the said amendments likewise to be effective commencing July 1, 1944.

In all other respects the said agreement of June 19, 1940, shall remain in full force and effect for the term therein provided.

Amendment is required by the necessity of increasing the delivery rate to 4000 gallons per minute, to provide which the Water Company must install heavier equipment at its own expense. To compensate for such changes, the minimum annual volume of water to be sold and purchased has been correspondingly increased.

It appearing that a public hearing is not necessary and that the requested authority be granted, now, therefore,

IT IS HEREBY ORDERED that California Water Service Company, a corporation, be and it is authorized to enter into a supplemental agreement amending the agreement of June 19, 1940, as authorized heretofore by the Commission in Decision No. 33176, providing for the sale and delivery of untreated water to Tide Water Associated Oil Company, a corporation, under substantially the same terms and conditions as set forth in the Supplemental Agreement marked "Exhibit 1," attached to application herein, and which is by reference made a part of this Order.

IT IS HEREBY FURTHER ORDERED that California Water Service Company, a corporation, shall file with this Commission, within sixty (60) days from the date of this Order, two certified copies of each said Supplemental Agreement as finally consummated.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 33176, dated June 4, 1940, shall remain in full force and effect.

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

Dated at San Francisco, California, this 8th day of August, 1944.

Richard Kachse
Justin F. Casanova
Francis R. Havens
Frank W. Carr
Justin F. Casanova
Commissioners.