

ORIGINAL

Decision No. 41213

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA WATER & TELEPHONE COMPANY and THE CITY OF SAN DIEGO for approval of a contract.

Application No. 28933

ORDER

California Water & Telephone Company requests Commission approval of an agreement with the City of San Diego, dated November 12, 1947. Such agreement provides for the modification and clarification of the obligations of the City to the Company under certain provisions of a contract between the City and Southern California Mountain Water Company, dated June 5, 1912, as heretofore modified by a contract approved by a city ordinance of October 9, 1912. These two 1912 contracts provide for assumption by the City of certain obligations imposed by an earlier contract of February 6, 1912, between Southern California Mountain Water Company and Coronado Water Company.⁽¹⁾ California Water & Telephone Company is the successor in interest of Coronado Water Company, has succeeded to all of the latter's rights under the above contracts, and is serving water to the customers in the areas covered by the contract from another source of supply. The parties now desire to clarify and clearly state the obligations of the City to supply water to the utility for the purpose of serving the utility's customers located east and south of the southern boundary line of Coronado Heights, as well as consumers residing adjacent to the Highland Reservoir Pipeline.

(1) - Re So. Calif. Mt. Water Co. (Sept. 12, 1912), 1 C.R.C. 520 (Decision No. 218, Application No. 169), authorized the transfer and lease of various properties, in accordance with the contract dated June 5, 1912, subject to certain conditions. Re So. Calif. Mt. Water Co., 1 C.R.C. 841 (Decision No. 305, Application 169) found that the carrying out of the above contract, as modified by the contract approved by a city ordinance of October 9, 1912, and the observance of a filed stipulation, would comply in all substantial respects with the conditions prescribed in Decision No. 218.

The agreement considered herein provides that the quantity of water the City shall sell and deliver to the utility from its Otay-Barrett-Morena System, for the purpose of supplying customers in the area between the point where the pipe line of the Coronado Water Company connected with the pipe line of the Southern California Mountain Water Company in 1912, and the 1912 southern boundary of Coronado Heights shall be limited to 8,000,000 cubic feet per calendar year. For the purpose of supplying customers along and adjacent to Highland Reservoir Pipeline, the City agrees to furnish water to be used to supply the customers and services enumerated in "Exhibit A" to the agreement, but shall not be obligated to furnish, in any calendar year, in excess of 5,000,000 cubic feet for all said services, exclusive of that to Brown Field. Brown Field is owned by the United States Government, and the City agrees to deliver water to the utility for the exclusive purpose of enabling the utility to supply water for domestic purposes only to Brown Field during ownership thereof by the Government, and for water used by the Government for its own purposes at Brown Field.

It appearing that this is not a matter in which a public hearing is necessary, and that the application should be granted,

IT IS ORDERED that California Water & Telephone Company, a corporation, is hereby authorized to enter into an agreement with the City of San Diego, a public corporation, providing for clarification and determination of the obligations of the City under certain contracts heretofore entered into between the City and predecessors in interest of the Company, substantially in accordance with the terms and conditions set forth in "Exhibit A" attached to the application herein, which is made a part of this order by reference.

IT IS FURTHER ORDERED that California Water & Telephone Company, a corporation, shall file with this Commission, within sixty days from the date of this order, two certified copies of the agreement as finally consummated.

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

Dated at San Francisco, California, this 10th day of February, 1948.

R. Z. Anderson

Justin J. Allen

Wesley Powell

Harold F. Kels

Samuel Patten

Commissioners.