

Decision No. 12266

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of MIDWICK WATER COMPANY for a
Certificate of Public Convenience
and Necessity to Exercise the
Franchise Rights Granted to it by
Ordinance No. 2155 of the Commission
of the City of Alhambra.

ORIGINAL

Application No. 29520

Overton, Selig and Wilson by
Paul Overton, for applicant.

O P I N I O N

Application is made by Midwick Water Company for the granting of a certificate of public convenience and necessity to exercise the rights granted to the applicant under Ordinance No. 2155 of the City of Alhambra, dated February 4, 1947.

A public hearing was held in this matter before Examiner Warner in Los Angeles on November 16, 1948.

Midwick Water Company is engaged in providing and supplying water, as a public utility, to consumers in a tract of land in Los Angeles County, formerly known as Midwick Country Club. In providing this water service, the company conveys water in the streets of the City of Alhambra through an eight-inch water main on portions of South Sixth Street, South Wilson Avenue, and South Marguerita Avenue, but does not serve water directly from such mains along such streets. Such transmission of water has been conducted under a 35-year franchise dated May 1, 1921, granted as Ordinance No. 1001 of the City of Alhambra to the Midwick Country Club on that date.

Subsequent to the acquisition of the property of Midwick Country Club by Garvey-Atlantic Company, the Commission in

Decision No. 39412, dated September 17, 1946, in Application No. 27711, among other things, granted Midwick Water Company a certificate of public convenience and necessity to construct and operate a public utility water system for the distribution and sale of water within the territory of the former Midwick Country Club tract, which territory's sole source of water was through the transmission of water under the provisions of Ordinance No. 1001 noted herein.

Evidence adduced at the hearing indicated that the rights granted under Ordinance No. 2155 are identical with, and cover the same territory as, those contained in Ordinance No. 1001, with the exception of length of term, the new franchise having an expiration date of February 4, 1982.

It is evident, therefore, that no change in conditions is involved in this application except the extension of time and the transfer of title, and that the certificate applied for herein should be granted.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

That the Commission shall have no power to authorize the capitalization of the franchise involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchise or certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.

O R D E R

Application as above entitled having been filed with the Public Utilities Commission, a public hearing having been held thereon, the matter having been duly submitted, and the Commission now being fully advised in the premises,

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AND DECLARES that public convenience and necessity require, and will require, Midwick Water Company, in the supplying of domestic water service in the unincorporated area known as Midwick Country Club, to exercise the rights granted under Ordinance No. 2155 of the City of Alhambra as more particularly described in the preceding opinion, therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is granted to Midwick Water Company, a corporation, to exercise the rights granted under said Ordinance No. 2155 of the City of Alhambra, as aforesaid.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 23rd day of November, 1948.

G. E. Anderson

Robert L. Luce

Harold P. Kula

Samuel H. Potter

Commissioners