

Decision No. 43923

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN DIEGO GAS & ELECTRIC COMPANY,
 a corporation, for the approval of
 an Agreement with IMPERIAL IRRIGATION
 DISTRICT and for authority to carry
 out the provisions of said Agreement.

Application No. 27165

FIRST SUPPLEMENTAL OPINION AND ORDER

San Diego Gas and Electric Company, applicant in this proceeding, has heretofore been authorized (by Decision No. 38802, April 2, 1946) to consummate an agreement dated April 23, 1946, with Imperial Irrigation District which provided, among other things, for limitation of the areas in which each of the parties respectively would sell or distribute electric power or energy, directly or indirectly, for use, resale or consumption. In this First Supplemental Application, applicant seeks approval of a Supplemental Agreement which would shift a portion of the agreed boundary line between the two areas, and requests appropriate modification of this Commission's order in its Decision No. 38802.

Certain residents included in the most westerly portion of the service area of the District, under the terms of the original agreement of April 23, 1946, are closer to the electric lines of Mountain Empire Electric Cooperative, Incorporated, which receives electric energy from applicant, than to the nearest electric line of the District. It, therefore, appears uneconomic for such residents to be served by the District. The Supplemental-Agreement provides for a reassignment of five township sections, the area in which said residents are located.

The California Districts Securities Commission on February 27, 1950, issued its Order No. 105 limiting the area in which the District

may, directly or indirectly, sell or distribute electric power or energy except to the San Diego Gas and Electric Company, such procedure being in accordance with Chapter 553 of the Statutes of 1943. Chapter 552 of the Statutes of 1943 provides for concurrent action on the part of the Public Utilities Commission with respect to utilities under its jurisdiction. So that the positions and rights of the applicant and the District with respect to service areas may be definitely established, the order herein will provide for limitation of applicant's service area coordinated with the limitation of District's service areas as ordered by the California Districts Securities Commission..

The Commission having considered the above-described First Supplemental Application, and finding that the granting thereof is for the best interests of the State and of San Diego Gas and Electric Company, and not incompatible with any public interest, and being of the opinion that a public hearing is unnecessary,

IT IS ORDERED as follows:

1. San Diego Gas and Electric Company be and it is hereby authorized to execute and consummate a Supplemental Agreement with Imperial Irrigation District, substantially in the form submitted with the First Supplemental Application as Exhibit "B."
2. The area in which San Diego Gas and Electric Company, in accordance with said agreement dated April 23, 1946, and said Supplemental Agreement, shall not have the right or authority to sell or distribute electric power or energy, directly or indirectly, except to Imperial Irrigation District, for and during a period of 25 years from and after April 23, 1946, is hereby defined as any or all areas in San Diego and Imperial Counties lying easterly of that line mutually agreed to and incorporated in said Supplemental Agreement and more specifically described therein as follows, all references being to San Bernardino Base and Meridian:

Beginning at a point on the boundary line between San Diego and Riverside Counties in the State of California, which point is the Northeast corner of Section 2, Township 9 South, Range 7 East; thence South along the East line of Sections 2, 11, 14, 23, 26, and 35, Township 9 South, Range 7 East, the East line of Sections 2, 11, 14, 23, 26, and 35, Township 10 South, Range 7 East, and the East line of Sections 2, 11, and 14 in Township 11 South, Range 7 East, to the Southeast corner of said

Section 14; thence from the Southeast corner of said Section 14 Southwesterly in a direct line to the Southeast corner of Section 32, Township 11 South, Range 7 East, which is also the Northeast corner of Section 5, Township 12 South, Range 7 East; thence West along the North line of said Section 5 to the Northwest corner of said Section 5, Township 12 South, Range 7 East; thence South along the West line of Sections 5, 8, 17, 20, 29, and 32 to the Southwest corner of said Section 32, Township 12 South, Range 7 East, which is also a point in the North line of Section 4, Township 13 South, Range 7 East; thence West from said point in the North line of said Section 4 to the Northwest corner of said Section 4; thence South along the West line of Sections 4, 9, and 16 in Township 13 South, Range 7 East, to the Southwest corner of said Section 16; thence Southeasterly in a direct line to the Northwest corner of Section 2, Township 15 South, Range 8 East; thence South along the West line of Sections 2, 11, 14, 23, 26, and 35, Township 15 South, Range 8 East, to the Southwest corner of said Section 35; thence East along the South line of said Section 35 and Section 36 in Township 15 South, Range 8 East, to the Southeast corner of said Section 36, Township 15 South, Range 8 East, which said Southeast corner of said Section 36, Township 15 South, Range 8 East, is a point on the Easterly boundary line of said San Diego County; and thence South along the East line of Sections 1, 12, 13, 24, 25, and 36, Township 16 South, Range 8 East, to the Southeast corner of said Section 36; thence West along the South line of Section 36, Township 16 South, Range 8 East to a point in said South line which is also the Northeast corner of Section 1, Township 17 South, Range 8 East; thence South along the East line of Sections 1, 12, 13, and 24, Township 17 South, Range 8 East, to a point in said East line of said Section 24 which is also the Northwest corner of Section 19, Township 17 South, Range 9 East, in Imperial County; thence East along the North line of Section 19 to the Northeast corner of said Section 19, Township 17 South, Range 9 East; thence South along the East line of Sections 19, 30, and 31, Township 17 South, Range 9 East, and Sections 6 and 7, Township 18 South, Range 9 East to the intersection of said Easterly boundary of said Section 7, Township 18 South, Range 9 East with the International Boundary Line between the United States and Mexico.

3. Paragraph 2 of this Commission's order in Decision No. 38802 is hereby amended to conform with the order in Paragraph 2 next above.
4. Nothing herein shall be deemed or construed to modify or affect that certain Agreement of Purchase and Sale between applicant

and Imperial Irrigation District dated April 23, 1946, except as hereinabove expressly provided as to definition of service areas.

5. Within thirty (30) days from and after execution of the Supplemental Agreement herein authorized, San Diego Gas and Electric Company shall file with this Commission three certified copies of said agreement as executed.

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

Dated at San Francisco, California, this 14th day of March, 1950.

R. Z. Zimmerman
Justice J. Coe
Robert L. Russell
Harold St. Kula
Penelope Lott
Commissioners.