

ORIGINAL

Decision No. 43978

BEFORE THE PUBLIC UTILITIES 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 an agreement between Applicant and the State of California acting by and through its Department of Public Works and the sale, conveyance, exchange and disposition pursuant to said agreement of certain properties of Applicant's in the County of Los Angeles presently devoted to public utility service.

Application No. 31103

OPINION AND ORDER

California Water Service Company, a corporation, owns and operates two station sites on which there are five wells, together with pumping plants and other appurtenant facilities used in furnishing water to the company's East Los Angeles area of Los Angeles County. The State of California, acting by and through its Department of Public Works, is now engaged in the construction of the Santa Ana Freeway, which will require the removal of the said wells and appurtenant facilities, and relocation and rearrangement of water transmission pipe lines and power transmission lines of said company. An agreement has been entered into by and between the State of California and applicant herein, under date of December 9, 1949, subject to authorization and approval by this Commission, wherein and whereby the necessary construction, relocation, and removal of applicant's above-mentioned water production facilities affected by the proposed freeway construction will be undertaken and provided for by the exchange and substitution of equivalent facilities, at the expense of said State.

The State of California among other things agrees to provide applicant with new wells having a yield of not less than its existing wells by more than 100 gallons per minute, and furthermore will indemnify and save said company harmless from all claims and actions against it arising from taking water from the new wells or unlawful interference with the water and water rights of others caused thereby. Each of the new wells is required to meet the Public Health Service Standards as to bacteriological quantity and the physical and chemical characteristics as promulgated by the United States Public Health Service. The maximum concentration of substances in, and characteristics of, the water in the new wells as to hardness, color, iron, and manganese shall not exceed the weighted average thereof in the company's said existing five wells. This agreement further provides that the substitution of water supply and other facilities will be so accomplished as not to deprive applicant's consumers of adequate water service at any time.

It appears that the proposed transfer of applicant's well and pumping plant sites together with certain easements and rights of way to the State of California and the substitution of facilities, as set forth above, and as more particularly set forth in said agreement, will not adversely affect the public utility operations of applicant, and that the proposal is in the public interest, and it further appearing that this is not a matter in which a public hearing is necessary and that the application should be granted, now, therefore,

IT IS HEREBY ORDERED:

1. California Water Service Company, a corporation, be and it is hereby authorized to enter into an agreement with the State of California, providing for the sale, conveyance, exchange and disposition of certain of its lands, rights of way and easements in the East Los Angeles area of Los Angeles County by said company to the State of California and providing among other things for the substitution of wells, water producing and other appurtenant facilities substantially in accordance with the terms

and provisions set forth in Exhibit A, attached to the application herein, which Exhibit A is hereby made a part of this order by reference.

2. California Water Service Company, a corporation, shall file with this Commission two certified copies of the agreement as finally consummated, within thirty (30) days thereafter.
3. California Water Service Company, a corporation, shall notify this Commission of the date the substituted wells and other facilities have been installed and are in satisfactory operation, within thirty (30) days thereafter.
4. The action taken herein shall not be construed to be a finding of the values of the properties herein authorized to be transferred.

In view of the fact that the relocation of the properties and facilities herein involved is a matter of extreme urgency and that it is in the public interest to commence construction on the Santa Ana Freeway as soon as possible, the authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 28th day of March, 1950.

J. F. [Signature]
Justice F. [Signature]
[Signature]
Harold [Signature]

Commissioners.

Commissioner.....Kenneth Rottax... being necessarily absent. did not participate in the disposition of this proceeding.