

Decision No. 46121

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WATER WORKS OF MONTA VISTA, LTD.,)
for authority to carry out terms of)
contract for supplying water at rates) Application No. 32638
and under conditions other than those)
contained in effective tariff schedules.)
(Water))

OPINION AND ORDER

In this application, Water Works of Monta Vista, Ltd., a corporation, engaged in the public utility business of selling and distributing water for domestic, commercial and industrial use to the inhabitants and industries in and surrounding the unincorporated area known as Monta Vista, Santa Clara County, asks for authority to carry out the terms and conditions of an agreement, dated July 26, 1951, with Kaiser Aluminum & Chemical Corporation, providing for the supply of water at a rate and under conditions other than the rates and conditions fixed and prescribed in applicant's tariff schedules now on file with the Commission and as now in force and effect. A copy of the agreement is attached to the application and marked Exhibit "A".

The agreement provides for rescinding a previous agreement dated April 23, 1942, between applicant and The Permanente Metals Corporation, now known as Kaiser Aluminum & Chemical Corporation, which is thereby terminated. Under the new agreement, applicant is to supply the Kaiser company with a minimum daily quantity of water equivalent to 200 gallons per minute, plus such additional amounts of water as it may have available after satisfying its public utility requirements and certain other contractual obligations. For all

water furnished under the agreement, the rate is 10 cents per 100 cubic feet, with a minimum payment of \$200 per month, regardless of the quantity of water delivered in any one month, said amount of \$200 to be applied against the cost of water purchased. Kaiser Aluminum & Chemical Corporation will receive delivery at applicant's existing pit located along Stevens Creek and will at its own cost and expense install and operate pumping equipment and boost the water to its various plants at Permanente. The agreement is to be effective for a period of five (5) years, with an option to renew for an additional period of five (5) years upon the same terms and conditions, except that in the event of such renewal the provisions regarding the minimum amounts of water to be furnished, and the price to be paid therefor, may be revised on a mutually satisfactory basis.

The Commission having considered the request of applicant and being of the opinion that it should be granted and that a public hearing is not necessary, therefore,

IT IS HEREBY ORDERED that Water Works of Monta Vista, Ltd., be and it is hereby authorized to carry out the terms and conditions of the written agreement, dated July 26, 1951, a copy of which, marked Exhibit "A", is attached to the application herein and is hereby made a part of this order by reference, and to render the service described therein, under the terms, charges and conditions stated therein, subject to the following conditions:

1. Applicant shall file with the Commission, within thirty (30) days after the effective date of this order, two (2) certified copies of the contract as executed, together with a statement of the date on which water service was commenced under said agreement.

2. Applicant shall notify this Commission of the date of termination of said contract within thirty (30) days after said date of termination.

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

Dated at San Francisco, California, this 28th day of August, 1951.

R. F. Anderson
President
Justice F. O'Connor
Lawrence H. Patton

Commissioners