

Decision No. 47019

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
THE CAMPBELL WATER COMPANY)
For a Certificate of Public Convenience)
and Necessity authorizing applicant)
to exercise rights or privileges under)
a franchise which applicant has secured)
from the County of Santa Clara, State)
of California.)

Application No. 33038
As amended.

Walter G. Olsen, for applicant.

O P I N I O N

The Campbell Water Company requests that the Commission issue to it a certificate that public convenience and necessity require the exercise by it of the rights and privileges granted under a franchise granted applicant by the Board of Supervisors of the County of Santa Clara, State of California. This ordinance is numbered 579, and was adopted by the Supervisors on January 14, 1952, at a regular meeting and became effective 30 days after its passage.

The franchise is granted for a term of 50 years, and gives the right to lay, construct, and maintain and operate a system of water pipe lines and other apparatus in, over, along, across, under, through and upon all public streets, roads, alleys and highways in the County of Santa Clara for the transportation and distribution of water for sale and distribution for domestic, agricultural industrial, commercial and other lawful uses and purposes. For such rights and privileges applicant is required to pay to the county annually 2% of the gross annual receipts arising from the use, operation or possession of said franchise. These

payments are to be made in respect to the gross receipts of the entire system of grantee in the public streets, roads, alleys and highways (except state highways) in the unincorporated territory of the county. This ordinance grants a franchise in accordance with the Broughton Act and does not limit the territory within which it may be exercised.

A public hearing was held before Examiner Rowe on March 17, 1952, in Campbell, California. No objection to the granting of the certificate has been made, although interested parties were notified and notice of the hearing and of the application was published in a paper of general circulation in the City of Santa Clara in said county.

Applicant proposes to continue its operation in the area in and surrounding the community of Campbell as it has in the past since 1912. By the provisions of Ordinance No. 558, enacted October 27, 1951, a franchise is now required of applicant. The Commission finds as a fact that public convenience and necessity require and will require the exercise of the rights and privileges granted to applicant by the franchise issued under Ordinance No. 579, heretofore referred to herein, so that it may continue to carry on its present operations as a public utility in and in the vicinity of the community of Campbell, California.

The certificate of public convenience and necessity herein granted is subject to the following provision 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 involved herein 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 a political subdivision thereof as the consideration for the grant of such franchise, certificate of convenience and necessity or right.

O R D E R

The above-entitled application having been filed, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the exercise by applicant of the rights and privileges of the franchise granted to it by Ordinance No. 579 of the Board of Supervisors of Santa Clara County; therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity is granted to The Campbell Water Company, a California corporation, to exercise the rights and privileges granted by the Board of Supervisors of the County of Santa Clara by Ordinance No. 579 adopted January 14, 1952.

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

Dated at San Francisco, California, this 22nd day of April, 1952.

A. J. [Signature]
President.

Justice J. [Signature]

Harold P. [Signature]

[Signature]

[Signature]
Commissioners.