

**ORIGINAL**Decision No. 52292

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
CALIFORNIA-PACIFIC UTILITIES COMPANY,	)	
a corporation, for a certificate of	)	
public convenience and necessity	)	
authorizing applicant to extend its	)	Application No. 35788
water service in Napa County, California,	)	(Amended)
and to exercise rights or privileges	)	
under a franchise which applicant	)	
contemplates securing from the County	)	
of Napa, State of California.	)	

FIRST SUPPLEMENTAL OPINION

The Commission, after public hearing, issued Decision No. 51213 dated March 15, 1955, by which California-Pacific Utilities Company was granted a certificate of public convenience and necessity to construct and operate a public utility water system for the distribution and sale of water within a certain portion of Napa County. Said decision stated that applicant proposed to secure a franchise from the Board of Supervisors of Napa County, granting to applicant the right and privilege of constructing, maintaining and operating a water system in, upon and along all public streets, roads and highways within said certificated area. It was further stated that upon obtaining said franchise and upon filing a supplemental application with this Commission a certificate of public convenience and necessity would be granted to applicant to exercise the rights and privileges granted by said franchise.

By its first supplemental application filed on November 8, 1955, applicant alleges that on June 14, 1955, it was granted a franchise by the Board of Supervisors of the County of Napa.

The franchise was granted under the Broughton Act and is of 50 years duration. It requires that applicant pay to the County of Napa 2 per cent of the gross annual receipts arising from the use, operation or possession of said franchise; however, no payment is required for the first five years.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 189 of the County of Napa.

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 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.

FIRST SUPPLEMENTAL ORDER

A supplemental application having been filed in the above-entitled matter and the Commission being informed in the premises,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to California-Pacific Utilities Company to exercise the rights and privileges granted by the County of Napa by Ordinance No. 189 adopted June 14, 1955.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of November, 1955.

Carter E. Mitchell  
President

Justin J. Caswell

Paul L. ...

William J. ...

Commissioners