

Decision No. 53991

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
NORTH LOS ALTOS WATER CO. for (1) a )  
certificate of public convenience and )  
necessity, (2) an order fixing rates )  
and (3) an order authorizing the )  
issuance of notes---pursuant to sections )  
32, 50, and 52 of the Public Utilities )  
Act. )

Application No. 35469

FIRST SUPPLEMENTAL OPINION AND ORDER

Following a public hearing on January 14, 1955, at San Jose the Commission, by Decision No. 51133 dated February 23, 1955, in Application No. 35469, authorized North Los Altos Water Co. to operate a water system in the City of Los Altos and vicinity.

Exhibit 1 in said proceeding was a copy of Ordinance No. 650 granted by the County of Santa Clara authorizing applicant to install and maintain its lines in the rights of way of County roads for a term of fifty years. Applicant, however, did not specifically request in its application a certificate of public convenience and necessity to exercise the franchise. By its petition for modification filed August 28, 1956, such a certificate is requested.

The franchise provides that applicant shall pay to the County of Santa Clara a sum annually which shall be equivalent to two per cent of the gross annual receipts arising from the use, operation or possession of said franchise. The cost to applicant and its predecessor in interest of acquiring the franchise was \$244.80 which amount does not include costs incident to this application.

After consideration it is found as a fact that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 650 of the County of Santa Clara.

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.

ORDER

Petition for modification having been filed, a public hearing having been held, and the Commission having been informed in the premises,

IT IS ORDERED that a certificate of public convenience and necessity be and it is granted to North Los Altos Water Co. to exercise the rights and privileges granted by the County of Santa Clara by Ordinance No. 650 adopted October 14, 1952.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of OCTOBER, 1956.

[Signature]  
 President

[Signature]

[Signature]

[Signature]

Commissioners