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Decision No. 54972

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
AVALON PUBLIC SERVICE COMPANY, a)	
corporation, for a certificate of)	
public convenience and necessity to)	Application No. 35855
operate as a public utility on)	
Santa Catalina Island, California,)	
and for authority to issue its)	
shares of stock.)	

SECOND SUPPLEMENTAL ORDER

By Decision No. 52861, dated April 10, 1956, Avalon Public Service Company, a corporation, was granted a certificate of public convenience and necessity to operate as a public utility on Santa Catalina Island, and was authorized to issue shares of its common stock. Paragraph 3 of the order in said decision denied applicant's request for approval of its Agreement for Sale of Surplus Water, Exhibit No. 11, and directed that said agreement should be revised to eliminate the wheeling portion of the agreement and to provide for a firm source of water supply to applicant from the Island Company of at least 25,000,000 gallons annually.

On November 5, 1956, by Decision No. 54020, the proceeding was reopened for the purpose of determining whether Decision No. 52861 (supra) should be altered or amended in any particular pertaining to applicant's water supply.

On January 31, 1957, the Commission staff filed a Motion to Amend Decision No. 52861 by a statement that nothing contained in Decision No. 52861, nor the receiving by the Commission of any contract filed by the applicant after the effective date of said decision, should be construed as acquiescence by the Commission in, or tacit approval by it of, any limitation upon the water supply

of Avalon Public Service Company; and that the Commission, whenever circumstances may make it necessary or expedient, may inquire into the questions of whether Santa Catalina Island Company is, or has ever been, a public utility water corporation, and whether the water system owned, controlled, operated or managed by it is, or has ever been, dedicated to the use of the public or any portion thereof, and thereafter make appropriate orders in determining such questions."

In its memorandum filed with its motion, counsel for the Commission staff stated that the staff had no further evidence to offer and that it was prepared to submit its motion upon the said memorandum. Copies of the motion were served on all appearances of record in the proceedings, and no objection or further comment has been received from any party, except from applicant's counsel.

On February 1, 1957, applicant's counsel, by a letter to the Commission, replied to the staff's Motion to Amend Decision No. 52861, stating in substance that applicant recognized the Commission's jurisdiction in the matter of water supply; that it did not ask for a public hearing on the staff motion and would offer no evidence in opposition thereto.

It appears that a public hearing on the reopened proceeding and the staff's motion is not required, and good cause appearing,

IT IS HEREBY ORDERED that the order in Decision No. 52861, dated April 10, 1956, in the instant captioned and numbered application be and it is amended by adding thereto the following:

Nothing contained in Decision No. 52861, nor the receiving by the Commission of any contract

filed by the applicant after the effective date of said decision, should be construed as acquiescence by the Commission in, or tacit approval by it of, any limitation upon the water supply of Avalon Public Service Company. The Commission, whenever circumstances may make it necessary or expedient, may inquire into the questions of whether Santa Catalina Island Company is, or has ever been, a public utility water corporation, and whether the water system owned, controlled, operated or managed by it is, or has ever been, dedicated to the use of the public or any portion thereof, and thereafter make appropriate orders in determining such questions.

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

Dated at San Francisco, California, this 14th day of MAY, 1957.

Paul E. Mitchell
President

Paul J. [unclear]

[unclear]

[unclear]

Commissioners