

ORIGINAL

Decision No. 55883

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HAROLD J. HICKS, doing business as)
Palm Valley Water Company, for a)
certificate of public convenience) Application No. 37856
and necessity to conduct business)
as a water corporation in the vicin-) Petition for Modification
ity of Cathedral City, Riverside)
County, California.)

OPINION AND ORDER

By Decision No. 54306, dated December 21, 1956, and effective on December 31, 1956, in Application No. 37856 Harold J. Hicks, doing business as Palm Valley Water Company, was given a certificate of public convenience and necessity to construct and operate a public utility water system in territory in Riverside County, California, subject to the following condition:

"That applicant shall install and place in operation reservoir or storage capacity of not less than 120,000 gallons for its Desert Braemar area, within sixty days after the effective date hereof, and shall notify the Commission within ten days after such facilities are placed in operation."

By Decision No. 54828, dated April 9, 1957, and effective on said date, in Application No. 37856, Petition for Extension of Time, the said provision of Decision No. 54306 was amended to read as follows:

"That applicant shall install and place in operation reservoir or storage capacity of not less than 120,000 gallons for its Desert Braemar area, within one hundred twenty days after the effective date hereof, and shall notify the Commission within ten days after such facilities have been placed in operation."

Pursuant to this extension of time, applicant had until April 30, 1957, in which to install said reservoir.

On July 30, 1957, this Commission extended the time within which to comply with said requirement to and including August 28, 1957.

On June 18, 1957, applicant filed a Petition for Modification in Application No. 37856, in which he alleged that "On April 30, 1957, petitioner concluded an interchange agreement with Thunderbird Water Company, a public utility, by virtue of which petitioner has acquired a continuing contract right to acquire water, particularly during Thunderbird's off-peak water requirement period and, at the same time, petitioner has granted to Thunderbird a correlative contractual right. A true and correct copy of said interchange agreement is attached hereto, marked Appendix "A", and hereby made a part hereof."

The petition was not joined in by Thunderbird Water Company. In addition, the agreement, Exhibit "A", did not comply with General Order No. 96, paragraph X-A, for the reason that it contemplates the delivery of water by each company at rates not set forth in their filed tariffs and does not contain a provision reciting that the contract is subject to modification by the Commission.

By a First Supplemental Petition to Petition for Modification in Application No. 37856, filed on October 18, 1957, both Harold J. Hicks, doing business as Palm Valley Water Company, and Thunderbird Water Company jointly petitioned for approval of a modified contract for the supply of water to be in lieu of the 120,000 gallon reservoir specified in Decision No. 54306, supra.

The Commission has reviewed the record herein, including the allegations of the Petition for Modification, and the First Supplemental Petition to Petition for Modification, and the Interchange Agreement attached to the Petition for Modification, and the Addendum to Interchange Agreement attached to the First Supplemental Petition to Petition for Modification, and is of the opinion and finds that the proposed water supply from the Thunderbird Water Company will be adequate to replace the 120,000-gallon reservoir required by Decision No. 54306, supra, and that the Interchange Agreement as modified by the Addendum to Interchange Agreement conforms to the requirements of General Order No. 96.

Now therefore, good cause appearing,

IT IS ORDERED:

(1) That the contract attached as Appendix "A" to Petition for Modification dated June 18, 1957, as amended by the addendum attached to the First Supplemental Petition to Petition for Modification, be and it hereby is authorized and approved.

(2) That applicant shall file with this Commission within thirty days after the effective date of this order, two certified copies of the agreement as executed, together with a statement of the date on which it is deemed to have become effective.

(3) That applicant shall notify this Commission of the date of notification of termination of said agreement within thirty days after said date of notification.

(4) That Decision No. 54306, dated December 21, 1956, in Application No. 37856, is amended by deleting therefrom the condition on page 10 thereof reading as follows:

"That applicant shall install and place in operation reservoir or storage capacity of not less than 120,000 gallons for its Desert Braemar area, within sixty days

after the effective date hereof, and shall notify the Commission within ten days after such facilities are placed in operation."

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of December, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]

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Commissioners